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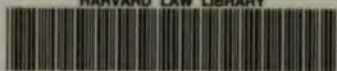
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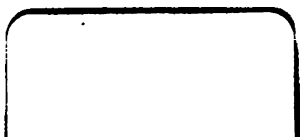


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CORRESPONDENCE

*May 1*

IN RELATION TO THE

KILLING OF PRISONERS

IN

NEW ORLEANS

ON

MARCH 14, 1891.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1891.



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U.S. Dept. of State

cf

## CORRESPONDENCE

IN RELATION TO THE

# KILLING OF PRISONERS

IN

## NEW ORLEANS

ON

MARCH 14, 1891.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.

1891.



CORRESPONDENCE IN RELATION TO THE KILLING OF PRISONERS IN NEW ORLEANS, MARCH 14, 1891.

[No. 1.]

*Mr. Blaine to the Governor of Louisiana.*

[Telegram.]

DEPARTMENT OF STATE,

*Washington, October 21, 1890.*

His Excellency the GOVERNOR OF LOUISIANA,

*Baton Rouge, La.:*

The Italian minister earnestly represents that, according to advices from the Italian consul in New Orleans, the mayor of that city has caused the arrest of innocent persons and issued proclamations tending to excite the whole Italian colony. The minister is confident that the great body of Italians in New Orleans repudiate with horror the act of a few criminals, and have no other desire than to see the law take its course and punish the murderers of the chief of police.

JAMES G. BLAINE.

[No. 2.]

*Governor Nicholls to Mr. Blaine.*

[Telegram.]

NEW ORLEANS, LA., *October 28, 1890.*

Hon. J. G. BLAINE,

*Washington:*

I do not apprehend any trouble ; there was for a time some excitement resulting from the killing of the chief of police and

Swann - 2-25-44

the manner of his taking off, but there is no occasion, and has been no occasion, for any executive action or unusual action in the premises.

FRANCIS T. NICHOLLS,  
*Governor.*

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[No. 3.]

*Mr. Adee to Baron Fava.*

DEPARTMENT OF STATE,  
*Washington, October 29, 1890.*

MY DEAR BARON FAVA: Referring to the oral communication to the Secretary of State by the Marquis Imperiali, during your temporary absence, on the 21st instant, of the purport of a telegram received by your legation from the Italian consul at New Orleans, in regard to the measures there taken toward the discovery and punishment of the criminals concerned in the recent murder of the chief of police of that city, and referring also to Mr. Blaine's statement that the representations so made would be conveyed to His Excellency the governor of the State of Louisiana, I have now the pleasure to acquaint you with the governor's response.

He telegraphs to the Department, under date of yesterday, that he does not apprehend any trouble, and that there was for a time some excitement resulting from the killing of the chief of police and due to the manner of his taking off, but that there is no occasion, and has been no occasion, for any action by the executive of the State, or any unusual action in the premises.

I am, etc.,

ALVEY A. ADEE.

[No. 4.]

*Baron Fava to Mr. Blaine.*

[Personal.]

WASHINGTON, *November 18, 1890.*

MY DEAR MR. BLAINE: The Italian consul in New Orleans has referred to me that, information having reached him of alleged ill treatments and extortions undergone by several Italian subjects who were arrested in connection with the atrocious murder perpetrated on the chief of police of that port, he accordingly called on them accompanied by other prominent members of the Italian colony. Having ascertained, in the course of his interview with the prisoners, that the information given him was but too true, he thought it proper to forward a protest to the grand jury of the city, a copy of which I beg to inclose herewith. The charges brought in this paper are very heavy; at any rate, it would be very easy to ascertain their truthfulness.

Meanwhile I feel quite sure that Your Excellency will, on the authority of the accompanying declaration, kindly interpose his very high and influential offices with the competent authorities of New Orleans, in order to secure a thorough investigation of the aforesaid charges and to prevent such ill treatments from taking place in future.

Your Excellency's feelings of justice and humanity vouch for a favorable consideration of the request I have the honor of placing in your hands, dictated by the same sentiments.

Warmly thanking you in advance, I am, etc.,

FAVA.

[Inclosure.]

*Consul Corte to the grand jury of New Orleans.*

No. 644.]

ROYAL CONSULATE OF ITALY,

*New Orleans, November 13, 1890.**To the Honorable Foreman of the Grand Jury, City:*

With a letter of the 17th of October last, I informed His Honor Mayor Shakspeare that it was referred to me that the parties suspected of the

murder of the lamented chief of police, Mr. D. C. Hennessy, were being maltreated in the prisons in this city.

In reply, His Honor wrote, besides other things, thus: "The rumor of maltreatment of the suspects is, I am satisfied, without foundation. On the contrary, I greatly fear that consideration for their personal comfort and the wishes of their friends has been carried beyond the limit of prudence."

Upon this assurance of His Honor, I was naturally satisfied; but, having went to-day to the parish prison, accompanied by the secretary of the consulate, the attorneys Adams & Henriques, and two other persons, to visit the Italian prisoners who have their passports, I was told by them the following:

Pietro Natale assured that, under threat of violence on the part of the captain of the yard, he was compelled to hand over to him \$35, and that after giving this sum he was beaten all the same.

Sebastiano Incardona declared to us to have been repeatedly beaten, and that three other Italians, now at liberty, in order to avoid bad treatment, were obliged to hand over \$50.

Marchese Antonino declared also to have been repeatedly beaten in the parish prison and in a police station, and that a ring which he wore was taken from him.

Pietro Monastero declared to have been beaten and showed several wounds on his head; furthermore, he asserted that, being ill, on several occasions he asked for a physician, but none appeared.

A few others, amongst them Loreto Comitz and Antonio Bagnatto, made similar complaints, showing their wounds.

Having asked the above parties why, on my first visit to the parish prison, they did not make such complaints, they replied it was because I was in company with the jailer, and they were warned that, should they have spoken, they would have been beaten again.

In view of these declarations, corroborated by clear evidences, such as scars, blue marks, swellings, and contusions of recent date, by us seen, I deem it my duty to seriously call the attention of your honorable body in order to investigate the facts immediately, and take the necessary steps accordingly, not only to avoid their repetition, but also to bring the guilty parties to justice.

You are, no doubt, aware that the eyes of the whole world are cast on this trial, so much as to have provoked the formation of an extra judicial body having in view only the Italian element. Consequently said facts, which form an essential part of this trial, if on one hand they could not have escaped the vigilance of the guardians of the prison, on the other, if known, would not fail to make a great impression on this enlightened and civilized American people. In the meanwhile I can not but call the attention of my Government and formally protest against such abominable ill treatment by virtue of article IX of the consular convention, and of the treaty existing be-

tween the United States and Italy, which assures the same rights and privileges to Italians as to American citizens.

A kind reply will be highly appreciated.

Respectfully,

P. CORTE.

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[No. 5.]

*Mr. Blaine to Governor Nicholls.*

DEPARTMENT OF STATE,

*Washington, November 21, 1890.*

SIR: I have the honor to inclose, for your information, copy of a letter addressed by the Italian consul at New Orleans to the foreman of the grand jury, alleging that certain Italian subjects confined in the jail of that city on the charge of being parties to the assassination of the late chief of police, Mr. Hennessy, have been beaten and otherwise maltreated during their incarceration.\*

The copy of the letter mentioned has been transmitted to me by the Italian minister at this capital, with the request that I should bring it to the attention of the proper authorities.

I have the honor to ask that you will give the matter your consideration, and that you will kindly inform me of the result of your investigation, so that I may make reply to Baron Fava.

I have, etc.,

JAMES G. BLAINE.

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[No. 6.]

*Baron Fava to Mr. Blaine.*

[Personal.]

ITALIAN LEGATION,

*Washington, November 29, 1890.*

MY DEAR MR. BLAINE: I have just received from my Government the note of which I have the honor to hand you

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\* For this inclosure see inclosure in document No. 4.

a copy herewith inclosed, and upon the subject of which I beg to be allowed to call your attention and ask your kindest consideration.

Thanking you in advance, I am, etc.,

FAVA.

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[Inclosure.—Translation.]

*Assistant Secretary Damiani to Baron Fava.*

FOREIGN OFFICE,

*Rome, November 11, 1890.*

SIR: The royal consul at New Orleans, in a successive report on the assassination of Mr. Hennessy, forwarded to me the text of the message addressed by Mayor Shakspeare to the city council. Said message, inspired by a sentiment of aversion against our whole colony in New Orleans, contains, among other things, the following:

"The Sicilian who comes here must become an American citizen and subject his wrongs to the remedy of the law of the land, or else there must be no place for him on the American continent."

Every Italian citizen, from whatever part of Italian soil, has the right to reside in any part of the United States and to claim the protection of the local and national laws of the same without imperiling the citizenship of the country from which he originated.

It is unnecessary for me to remind you of the un wisdom of such words, particularly when found in an address by a public functionary, the very chief of police.

I would be grateful to you if you would bring this matter to the attention of the Secretary of State, begging him at the same time to inform, if possible, the mayor of New Orleans of the impropriety of inserting in his address the paragraph above quoted as being inconsistent with, and subversive of, the principles of international law and unjust to the entire population of a noble section of our Kingdom.

I learn, moreover, from the New York press that said mayor has organized, or assisted in organizing, a vigilance committee for the purpose of eradicating the so-called "Mafia" in his city, which committee, on its own account and by a public address to the Italians of New Orleans, has declared that "it would proceed to extreme and harsh measures, and by summary means without process of law, means which might strike the innocent as well as the guilty."

The enormity of such declaration is such that it must have furnished to you cause of remonstrance with the honorable Secretary of State with a view to recall the authorities of New Orleans to those sentiments of justice and

humanity which our connationals have the right to expect, and which the authorities of New Orleans seem inclined to violate.

Accept, etc.,

DAMIANI,  
*Assistant Secretary of State.*

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[No. 7.]

*Governor Nicholls to Mr. Blaine.*

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,  
*Baton Rouge, December 2, 1890.*

SIR: I have the honor to acknowledge receipt of your communication of the 21st day of November, 1890, inclosing a copy of a letter of the Italian consul at New Orleans to the foreman of the grand jury for the parish of Orleans relative to alleged ill treatment of certain Italian prisoners in confinement in the parish prison in New Orleans.

You state that the copy of the letter mentioned had been transmitted to you by the Italian minister at Washington, with the request that you should bring it to the attention of the proper authorities; and you ask that I should give the matter my consideration and kindly inform you of the result of my investigation, so that you might make reply to Baron Fava.

In reply, I would state that the letter written by the Italian consul to the foreman of the grand jury received due consideration from that body. An investigation has taken place, resulting in the bringing in of indictments against two persons for various acts of brutality against prisoners in the parish prison. In due course of time those cases will be brought to trial and justice meted out.

The acts complained of were, in these particular instances, acts against Italians confined under charges, but the nationality of the prisoners had nothing whatever to do with the outrages committed upon them.

It seems that a vicious system has prevailed for some time in that prison of selecting and giving to some one of the prisoners, under the designation of captain of the yard, con-

trol of the others. As might have been expected, this so-called official would not only be a tyrant and a brute, but also frequently a felon.

The investigation spoken of has brought this system to light and has effectually broken it up.

I have, etc.,

FRANCIS T. NICHOLLS,  
*Governor.*

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[No. 8.]

*Mr. Wharton to Attorney-General Miller.*

DEPARTMENT OF STATE,  
*Washington, December 4, 1890.*

MY DEAR SIR: The Italian minister having on several occasions made inquiries concerning the proceedings pending against certain persons of Italian origin for the murder of the chief of police of New Orleans, I take the liberty to ask whether you could not ascertain, through the district attorney of the United States in that city, whether or not the persons now under indictment for that offense are naturalized citizens of the United States.

If you can obtain the information in the way suggested without inconvenience, I shall be very glad to possess it.

Very truly yours,

WILLIAM F. WHARTON.

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[No. 9.]

*Mr. Blaine to Baron Fava.*

[Personal.]

DEPARTMENT OF STATE,  
*Washington, December 9, 1890.*

MY DEAR BARON FAVA: In compliance with the request contained in your personal note of the 18th ultimo, a com-

munication was addressed to the governor of Louisiana, with a request that the charges of maltreatment of Italian subjects confined in jail in New Orleans on the charge of being parties to the assassination of the late chief of police of that city might be investigated.

The reply of the governor, which bears date the 2d instant, was received on the 6th. It states that the letter written by the Italian consul to the foreman of the grand jury received due consideration from that body, and that an investigation has taken place, which has resulted in the finding of indictments against two persons for their conduct in relation to the prisoners in the parish jail. In due time these cases will be brought to trial and justice meted out.

It is proper to say that, while the acts complained of were, in this particular instance, committed against Italian subjects, the governor of Louisiana states that the nationality of the prisoners was not the exciting cause of the alleged maltreatment, and it is thought that the action taken against the two responsible parties will prevent any further misconduct.

Very truly yours,

JAMES G. BLAINE.

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[No. 10.]

*Mr. Blaine to Governor Nicholls.*

DEPARTMENT OF STATE,

*Washington, December 9, 1890.*

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, in regard to the charges of maltreatment of Italian subjects in jail at New Orleans, and desire to thank you for your prompt and courteous response.

I have had pleasure in advising the Italian minister of the prompt action on the part of the State authorities in respect to the subject of his complaint.

I have, etc.,

JAMES G. BLAINE.

[No. 11.]

*Attorney-General Miller to Mr. Blaine.*

DEPARTMENT OF JUSTICE,  
*Washington, D. C., December 20, 1890.*

SIR: Inclosed I hand you a copy of a letter of date December 18, from William Grant, United States attorney, in reference to the citizenship of Italians charged with murder in New Orleans. I also inclose certificate sent by Mr. Grant. All this in response to your request of December 4.

Yours truly,

W. H. H. MILLER,  
*Attorney-General.*

[Inclosure.]

*William Grant to Attorney-General Miller.*

NEW ORLEANS, LA., *December 18, 1890.*

SIR: In response to the request of the State Department for information as to the citizenship of the Italians charged with the murder of Chief of Police D. C. Hennessy, I forward herewith certified list (1) of those who have registered as voters in this parish and list (2) of those whose status is unknown.

Those who have registered as voters must necessarily have sworn that they were citizens of the State of Louisiana. As to the others, I have no means of ascertaining whether they have been naturalized.

Very respectfully,

WM. GRANT,  
*United States Attorney.*

*List of those who were registered as voters.*

OFFICE OF THE SUPERVISOR OF REGISTRATION,  
 FOR THE PARISH OF ORLEANS,  
*New Orleans, December 15, 1890.*

This is to certify that the following named persons are registered voters of the parish of Orleans, and that the following is a true and correct abstract of their registration as taken from the records on file in this office, to wit:

Antonio Bagnetto, registered No. 926, Third precinct, Third ward, from 224 Poydras street, December 26, 1887. Declaration papers August 30, 1887, criminal district court. Born in the year 1846. Writes his name.

John Caruso, registered No. 972, Second precinct, Fifth ward, from 225 ½ Dauphine street. Naturalized July 12, 1878, second district court, at New Orleans. Born in the year 1856. Writes his name.

James Caruso, registered September 18, 1886. Registered No. 894, First precinct, Fifth ward, from 241 Chartres street. Declaration papers obtained before criminal district court September 18, 1886. Born in Italy in year 1854. Writes his name.

Charles Matranga, registered No. 599, Fifth precinct, Third ward, October 27, 1872, from No. 266 Poydras street. Citizen by virtue of father's naturalization. Born in Italy in year 1857. Writes his name.

Antonino Marchese, registered No. 1355, Sixth precinct, Third ward, October 3, 1872, from No. 312 Lafayette street. Declared his intention before criminal district court October 3, 1890. Born in Italy in year 1844. Writes his name.

Antonio Scaffidi, registered No. 1231, Third precinct, Third ward, October 3, 1890, from No. 219 ½ Dryades street. Declared his intention before criminal district court October 10, 1887. Born in Italy in year 1866. Writes his name.

Charles Pietzo (Petero), registered No. 1026, Fifth precinct, Third ward, October 18, 1881, from No. 269 Poydras street. Declared intentions before criminal district court October 18, 1887. Born in Italy in year 1857. Writes his name.

Joseph Macheca, registered No. 1462, Third precinct, Fifth ward, October 6, 1888, from No. 206 St. Claude street. Born in Louisiana. Writes his name.

Charles Patorno, registered No. 1696, Second precinct, Fifth ward, May 16, 1889, from No. 70 Dumaine street. Born in Louisiana in year 1859. Writes his name.

Frank Romeo, registered No. 1642, Second precinct, Fifth ward, April 3, 1888, No. 115 St. Ann street. Naturalized April 6, 1868, fourth district court, at New Orleans. Born in Italy in year 1846. Can not write.

The above is certified to as correct.

GEO. W. FLYNN,

*Supervisor of Registration for the Parish of Orleans.*

OFFICE OF SUPERVISOR OF REGISTRATION,

FOR THE PARISH OF ORLEANS,

*New Orleans, December 16, 1890.*

This is to certify that Salvador Coscenso registered as a voter of the parish of Orleans October 5, 1887, his certificate of registration being numbered 1009, of First precinct, Sixth ward; his place of residence, No. 36 Hospital street; occupation, laborer; nativity, Italy; year, 1858; and that he was naturalized before the civil district court October 5, 1887, and that his signature to the record of registration is made by "his mark."

GEO. W. FLYNN,

*Supervisor of Registration, Parish of Orleans.*

*List of those whose status is unknown.*NEW ORLEANS, LA., *December 17, 1890.*

The following-named Italians, in custody charged with the murder of Chief D. C. Hennessy, do not appear from any record to have been naturalized, although born in Italy:

- (1) Asperi Marchese; age, 18 years.
- (2) Manuel Politz; age, 28 years.
- (3) Chas. Trahina; age, 35 years.
- (4) Loretto Scovotis (Comitz); age, 50 years.
- (5) Pietro Monastario; age, 42 years.
- (6) Peter Martelli (Natelli); age, 28 years.
- (7) Bastian Incardina; age, 26 years.
- (8) Salvator Sincerì.
- (9) Roco Grachi.

WM. GRANT,  
*United States Attorney.*

[No. 12.]

*Consul Corte to Baron Fava.*

[Telegram.—Translation.]

NEW ORLEANS, *March 14, 1891.**Minister of Italy, Washington:*

Mob led by members of committee of fifty took possession of jail; killed eleven prisoners; three Italians, others naturalized. I hold mayor responsible. Fear further murders. I also am in great danger. Reports follow.

CORTE.

[No. 13.]

*Marquis Rudini to Baron Fava.*

[Telegram.—Translation.]

ROME, *March 14, 1891.**Italian Minister, Washington:*

Beg to denounce immediately to the U. S. Government the atrocious deed of New Orleans, requesting immediate

and energetic steps to repress, to protect the Italian colony endangered, and to punish severely the guilty.

RUDINI.

[No. 14.]

*Marquis Rudini to Baron Fava.*

[Telegram.]

ROME, March 15, 1891.

*Italian Minister, Washington:*

I confirm my telegram. I do not doubt that you have obtained immediately energetic measures. If the slightest agitation takes place, you are authorized to present a formal protest, with the reserve of asking later the satisfaction to which we are entitled.

RUDINI.

[No. 15.]

*Baron Fava to Mr. Blaine.*

[Translation.]

LEGATION OF ITALY,

*Washington, March 15, 1891.*

MR. SECRETARY OF STATE: During the interviews which I had the honor to have with you last night and this morning I urgently called Your Excellency's attention to the exceedingly grave occurrences that took place at New Orleans yesterday. It is consequently unnecessary for me to revert to them now.

Nevertheless, in pursuance of the instructions which I have just received by telegraph from His Excellency the president of the council, minister of foreign affairs of His Majesty (a copy of which I have left in your hands), I must, before going any further, protest in the most solemn manner against the unjustifiable conduct of the local authorities, who not only did not prevent a meeting which was publicly announced the day before, and which left no doubt as to its hostility to the Italians,

but who maintained a purely passive attitude while the massacre of the Italians was going on in the prison.

I must, moreover, appeal to Your Excellency's good offices, in order to beg you to be pleased, with the incontestable authority at your disposal, to cause the competent authorities of the State of Louisiana to feel that it is their imperative duty, in the interest of justice and civilization, to take special care that the lives of Italians in New Orleans be protected, and that the guilty parties, whether perpetrators, accomplices, or instigators of the massacre which took place yesterday, be speedily brought to justice.

Reserving for the Royal Government the right to demand hereafter any other reparation that it may think proper, permit me, Mr. Secretary of State, to rely upon the traditional friendship which has always existed between our two countries, as well as upon your own sentiments of justice, while I invoke the aid and coöperation of the Federal Administration to the end that this regrettable incident may be brought to a speedy termination.

Be pleased to accept, etc.,

FAVA.

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[No. 16.]

*Mr. Blaine to Governor Nicholls.*

[Telegram.]

DEPARTMENT OF STATE,

*Washington, March 15, 1891.*

It has been represented to the President by the minister of Italy accredited to this Government that among the victims of the deplorable massacre which took place in the city of New Orleans yesterday were three or more subjects of the King of Italy. Our treaty with that friendly Government (which, under the Constitution, is the supreme law of the land) guaranties to the Italian subjects domiciled in the United States "the most constant protection and security for their persons

and property," making them amenable, on the same basis as our own citizens, to the laws of the United States and of the several States, in their due and orderly administration.

The President deeply regrets that the citizens of New Orleans should have so disparaged the purity and adequacy of their own judicial tribunals as to transfer to the passionate judgment of a mob a question that should have been adjudged dispassionately and by settled rules of law. The Government of the United States must give to the subjects of friendly powers that security which it demands for our own citizens when temporarily under a foreign jurisdiction.

It is the hope of the President that you will coöperate with him in maintaining the obligations of the United States towards the Italian subjects who may be within the perils of the present excitement, that further bloodshed and violence may be prevented, and that all offenders against the law may be promptly brought to justice.

Very respectfully,

JAMES G. BLAINE.

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[No. 17.]

*Mr. Blaine to Baron Fava.*

DEPARTMENT OF STATE,

*Washington, March 15, 1891.*

SIR: In answer to your note of this date, and referring to the several personal interviews we have held to-day, I have the honor to inclose a copy of a telegram to the governor of Louisiana, which I have this moment dispatched by order of the President.\*

Trusting that you will see in this telegram the desire and intention of the President to do justice to the Government of Italy,

I am, etc.,

JAMES G. BLAINE.

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\* For this inclosure see document No. 16.

[No. 18.]

*Mr. Whitehouse to Mr. Blaine.*

[Telegram.]

ROME, *March 15, 1891.*

Mr. Whitehouse informs Mr. Blaine that the news from New Orleans had deeply moved the Italian Government, which urges the President to use every exertion possible to protect Italians.

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[No. 19.]

*Mr. Blaine to Mr. Porter.*

[Telegram.]

WASHINGTON, *March 15, 1891.*

PORTER,

*Minister, Rome:*

Deliver accompanying telegram to foreign office promptly.\*

BLAINE.

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[No. 20.]

*Governor Nicholls to Mr. Blaine.*

[Telegram.]

NEW ORLEANS, *March 16, 1891.*

Hon. JAMES G. BLAINE,

*Secretary of State, Washington, D. C.:*

Your telegram was received late last night. I will answer it hereafter by mail. Everything is now quiet here, and there is nothing to lead me to anticipate further trouble. The re-

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\* For this telegram see document No. 16.

cent action was directed against particular individuals; their race or nationality was not a factor in the disturbance.

FRANCIS T. NICHOLLS.

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[No. 21.]

*Mr. Porter to Mr. Blaine.*

No. 175.]

LEGATION OF THE UNITED STATES,  
*Rome, March 16, 1891.*

SIR: Yesterday I sent you the following telegram in cipher.\*

Although convinced that every possible measure was being taken by our Government for the protection of Italians, I forwarded the above at the earnest request of the under secretary of foreign affairs, who called upon me immediately after the news of this lamentable affair reached Rome and urged that some such representation should be made.

This morning I called upon the Marquis di Rudini, minister for foreign affairs, and expressed to him my horror at the assassinations and the conviction that the President and people of the United States would deeply lament the same and were taking energetic measures for the protection of Italians.

I have, etc.,

A. G. PORTER.

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[No. 22.]

*Baron Fava to Mr. Blaine.*

WASHINGTON, *March 16, 1891.*

MY DEAR MR. BLAINE: You will greatly oblige me in giving me kindly the friendly assurance that, according to my private note of yesterday evening, you have instructed the U. S. legation in Rome to communicate to the royal minister

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\* For telegram see document No. 18.

of the foreign office the text of your telegram to the governor of Louisiana.

Many thanks for the answer.

Believe me, etc.,

FAVA.

[No. 23.]

*Baron Fava to Mr. Blaine.*

[Translation.]

ROYAL LEGATION OF ITALY,  
*Washington, March 18, 1891.*

MR. SECRETARY OF STATE: I have laid before the Government of His Majesty the private letter of the 15th instant, whereby Your Excellency did me the honor to send me a copy of the telegram addressed by you, in the name of the President, to His Excellency the governor of the State of Louisiana.

Having this day received from His Majesty's consul at New Orleans a detailed report of the deplorable occurrences which took place in that city on the 14th instant, I herewith send you a copy thereof. This report shows still more clearly that the conduct of the local authorities, to which I called Your Excellency's attention in my note of the 15th instant, is censurable in every respect. Those authorities were entirely recreant to their duty to protect the lives of the King's subjects, which is guaranteed by existing treaties, as you were pleased to remark in your telegram addressed, in the name of the President, to the governor of Louisiana with that spirit of lofty justice which I have always had the satisfaction to appreciate since my duties have brought me into official relations with you and which I am happy again to recognize on this occasion.

Be pleased, etc.,

FAVA.

[Inclosure.—Translation.]

*Consul Corte to Baron Fava.*NEW ORLEANS, *March 15, 1891.*

MR. MINISTER: I have not time to describe the horrors of the slaughter which the populace, under the leadership of the principal members of the vigilance committee, has committed against the unarmed prisoners, some of whom had been acquitted and some of whom had not yet been tried.

As early as the evening of the 13th instant the hisses and the stones thrown by the urchins in the street at the carriages in which the prisoners were gave ground for the apprehension that something serious would happen on the next day. The violent articles which appeared in the newspapers, such as the "Daily States" and the "Delta," which papers, in the name of the committee of fifty, announced that a meeting would be held on the following day to take vengeance, left no doubt as to the choice of the means of which it was proposed to make use.

It would have been sufficient, in the night, to change the lodging place of the prisoners, in order not to expose them to certain death. Also, yesterday, when men armed with Winchester rifles began to collect at 9 o'clock in the morning, a word directing them to disperse would have been sufficient to prevent the butchery.

Hardly had the meeting commenced when I called in all haste at the city hall in a carriage, but neither the mayor nor his secretary was there, nor could anyone tell me where I could find him.

I found, however, in the mayor's room the attorney-general, Mr. Rogers, and Mr. Villère, the deputy sheriff in charge of the prisoners, who told me they had come for the same purpose; but they appeared to me to be very calm and to be anticipating what was about to happen. I told them the object of my visit, but they replied that they could do nothing without the mayor. I then made inquiries for Mr. Nicholls, the governor, and was told that he was not far away, at a lawyer's office. I went there at once, and found him with the general in command of the troops and several other persons.

In view of the immediate danger for the prisoners and the colony, I requested him, in my official capacity as consul, to send troops or a guard of police to the place in order to prevent the massacre. He told me that he could do nothing until he was requested by the mayor. All that I could say was of no use. He asked me to sit down, saying that the mayor was at the Pickwick Club, and that he had telephoned to him to come at once. Twenty-five minutes elapsed, when the telephone announced that the mob was already at the prison doors, and that they had already hanged three of the prisoners. I went down and drove in my carriage at full speed to the prison, which was at a considerable distance. When I came near I saw a number of dead bodies hanged to trees; I saw that the massacre was over, and that the crowd was returning. I returned to the consulate, and at the door three colored men rushed at me, and, in order to keep them off, I was obliged to

draw my revolver. A moment later Mr. Papini, clerk of the consulate, made his appearance, pale and greatly frightened, and told me that he had heard the crowd raise the cry of "Kill the Italian!" in consequence of which he had been obliged to take refuge in a store.

The crowd now started for Poydras Market, which is almost entirely inhabited by Italians. In the meantime the relatives of the victims and other Italians rushed to my office, desiring either to obtain the bodies through me or to seek advice as to the proper course to take. I told them to lock themselves up in their houses; and I went to the governor's office, in order to comply with the desire expressed by the relatives of the victims. I did not find him, but all that was asked for was obtained otherwise.

A number of low fellows came in the evening and pounded on the back doors of my house and violently pulled the front door bell of the consulate. They declined to give their names, but their intentions were manifestly hostile.

I inclose a copy of the letter which I have this day addressed to the governor, in pursuance of orders received by telegraph directly from His Excellency the Marquis di Rudini.

I will thank you if, after reading this report, you will have the kindness to send it, with its inclosure, to the royal ministry, for which I offer you my thanks in advance.

CORTE.

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[Inclosure in Consul Corte's report.]

*Consul Corte to Governor Nicholls.*

NEW ORLEANS, *March 15, 1891.*

DEAR SIR: The killing yesterday of defenseless Italian prisoners, a part of whom were acquitted and a part not yet tried, has affected the civilized world. His Excellency the Marquis di Rudini, minister of foreign affairs, whilst he informed that he has made due steps to the U. S. Government to provide energetic and immediate precautions, orders me to apply officially to Your Excellency to be assured that similar acts are not to be renewed.

Interpreting faithfully the minister's instructions, I beg of Your Excellency to kindly take, together with the judicial and municipal authorities, the necessary measures for the safety of surviving Italians—Incardona, Pietro Netale, and Gaspare Marchese.

I can not omit to state to Your Excellency that last night an attempt was made to break in the back door of this office, and the bell on the front entrance was continually rung by persons who refused to give their names. I would therefore be greatly obliged if Your Excellency would request the proper authorities to detail, until at least the excitement is abated, a few guardians in the immediate vicinity of the consulate.

Yours, etc.,

CORTE.

[No. 24.]

*Marquis Imperiali to Mr. Blaine.*WASHINGTON, *March 19, 1891.*

DEAR MR. BLAINE: In compliance with your kind request, I am instructed by Baron Fava to forward herewith to Your Excellency a translation of the cablegram the minister has just received from the Marquis di Rudini.

Believe me, etc.,

IMPERIALI.

[Inclosure.—Telegram.—Translation.]

*Marquis Rudini to Baron Fava.*ROME, *March 19, 1891.**Italian Minister, Washington:*

Corte cables authors massacre brought to justice. Necessary Federal Government should notify us officially thereof. Please apply for indemnity, which hope will be granted without hesitation. Simple declaration, however friendly and cordial, can not be considered sufficient satisfaction, which must consist of a positive reparation.

RUDINI.

[No. 25.]

*Baron Fava to Mr. Blaine.*WASHINGTON, *March 21, 1891.*

MR. BLAINE: You know that since the beginning of the incident I have expressed to my Government my full confidence in your justice and in the justice of the President. You know, moreover, that I succeeded to carry my Government to divide this confidence. But there are to-day, 8 days, and no fact is still come in order to confirm our strong belief. We can not remain longer before the public opinion of our country without proving by facts that the United States Government has given us promptly the satisfaction to which we are entitled. The sooner you will give concrete proofs of your

friendly action the better will be in the interest of both countries.

In conclusion, please spare me the painful duty of drawing up in an official note the two points of the Marquis Rudini's telegram I gave to your secretary. Thus you and the President will do a true and friendly act which will be appreciated by the entire civilized world.

I should be very grateful to you if you would send me an answer.

Your devoted friend,

FAVA.

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[Inclosure.—Telegram.—Translation.]

*Marquis Rudini to Baron Fava.*

ROME, March 20, 1891.

*Italian Minister, Washington :*

Necessary the U. S. Government give us official communication that the guilty of New Orleans massacres have been brought to justice. Moreover, you are instructed to request indemnity, which, we trust, will be granted directly. A simple declaration, though cordial and friendly, is not sufficient ; we want positive facts. Telegraph.

RUDINI.

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[No. 26.]

*Mr. Blaine to Baron Fava.*

17 MADISON PLACE,

*Washington, D. C., March 21, 1891.*

MY DEAR BARON FAVA : Several days since I asked of your secretary, the Marquis Imperiali, to furnish to this Government the names, circumstances, and conditions of the three Italian subjects who, according to the Italian consul, were murdered in New Orleans. That information has not yet reached us from your legation. The Marquis Rudini is surely not so far misled as to suppose that the men massacred in New Orleans were all or mainly Italian subjects. Still less

do I suppose that the Marquis Rudini considers that the Italians who have assumed American citizenship are in any way under the protection of the Italian Government.

The principal duty at present relates to the three alleged Italian subjects, and this Government desires to have, respecting them, the information I have already asked of your legation.

Your obedient servant,

JAMES G. BLAINE.

[No. 27.]

*Baron Fava to Mr. Blaine.*

WASHINGTON, *Saturday, March 21, 1891.*

MY DEAR MR. BLAINE: Since the 16th instant I have telegraphed to my consul at New Orleans in order to receive the names, circumstances, and conditions of the three Italian subjects killed.

I hope to receive to-morrow those informations, which I will directly transmit to you.

The Marquis Rudini does not speak, of course, of those people who are American citizens. But he insists that the murderers of the three Italian subjects will be brought to justice.

And I trust in your high coöperation for this.

Many, many thanks.

Very faithfully yours,

FAVA.

[No. 28.]

*Governor Nicholls to Mr. Blaine.*

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,

*Baton Rouge, March 21, 1891.*

SIR: At a late hour on the 15th instant I received a dispatch from you, having reference to the forcible breaking, on

the 14th of this month, of the jail in this city, and the killing of eleven persons confined therein under indictments found in the criminal district court for the parish of Orleans.

You stated to me that it has been represented to the President by the minister of Italy accredited to the Government of the United States that among the killed on that occasion were three or four subjects of the King of Italy. The telegram disclosed an apprehension, on the part of the minister, evidently shared in by the President, that the disturbance was a continuous and swelling disturbance, which might involve the Italian subjects in New Orleans.

I have reason to believe that the hope expressed by the President that I would coöperate with him in maintaining the obligations of the United States toward Italian subjects who might be within the perils of the excitement, and that further violence and bloodshed might be prevented, was based upon that belief. The President further expressed the hope that all offenders might be promptly brought to justice.

On the 16th I telegraphed you that there was no excitement in the city at that time, and that I saw no reason to anticipate further trouble. I also stated that the action taken was directed against particular individuals, and that the race or nationality of the parties did not enter as a factor into the disturbance. A week has passed since the date of my dispatch, and the opinion then entertained as to the termination of the trouble has proved to have been well founded. The men killed, as I have stated, were confined in prison, under indictments found in the criminal district court for the parish of Orleans; the sheriff has made his return of the facts to that court; the judge thereof has charged the grand jury now in session in regard to the matter, and the whole subject is, I assume, now under investigation by that body.

I am satisfied that most of the persons killed were American citizens, but it is probable that two or three were Italian subjects.

I have, etc.,

FRANCIS T. NICHOLLS.

[No. 29.]

*Marquis Rudini to Baron Fava.*

[Telegram.]

ROME, March 24, 1891.

*Italian Minister, Washington :*

Our requests to the Federal Government are very simple. Some Italian subjects, acquitted by the American magistrates, have been murdered in prison while under the immediate protection of the authorities. Our right, therefore, to demand and obtain the punishment of the murderers and an indemnity for the victims is unquestionable. I wish to add that the public opinion in Italy is justly impatient, and, if concrete provisions were not at once taken, I should find myself in the painful necessity of showing openly our dissatisfaction by recalling the minister of His Majesty from a country where he is unable to obtain justice.

(Signed,)

RUDINI.

[No. 30.]

*Baron Fava to Mr. Blaine.*

LEGATION OF ITALY,

*Washington, March 25, 1891.*

MY DEAR MR. BLAINE: I just received from Marquis Rudini the inclosed telegram, to which I must answer; but what?

I am exceedingly anxious to know your decision to-night, according to your promise of this morning.

Believe me, etc.,

FAVA.

[Inclosure.—Telegram.]

*Marquis Rudini to Baron Fava.**To the Italian Minister, Washington :*

In view of our discreet and legitimate demands, I can not admit further delay. An immediate solution is indispensable.

RUDINI.

[No. 31.]

*Baron Fava to Mr. Blaine.*

LEGATION OF ITALY,  
*Washington, March 25, 1891.*

MY DEAR MR. BLAINE: In compliance with your request, I have the honor to inclose herewith a copy of the report just received from H. M. consul at New Orleans, relating the names, circumstances, and conditions of four among the persons murdered in that city who are undoubtedly Italian subjects, and five others whom Mr. Corte does not think can be considered as American citizens according to the Constitution of the United States.

I am, etc.,

FAVA.

[Inclosure.—Translation.]

*Consul Corte to Baron Fava.*

NEW ORLEANS, *March 19, 1891.*

MR. MINISTER: I have the honor to send you a list of the Italian subjects who were killed on the 14th instant, together with such particulars concerning them as I have been able to obtain.

(1) Pietro Monasterio, who arrived from Italy January 7, 1890. He was not naturalized, and his regular passport must be in the prison. His wife and five children are at Caccamo, Sicily. He was to have a new trial on the ground of "mistrial."

(2) Vincenzo Traina, son of Joseph, born at Contessa Entellina, and 36 years of age. He was not naturalized, and his passport must be on the plantation at Sarpy, where he lived. He had a father and mother in Italy, and had not yet been brought to trial.

(3) Loreto Comitì, 50 years of age. He was not naturalized and was a native of Inadella (Aquila). I am informed that he had a wife and daughter here, but I have not yet been able to ascertain where they are. He had not been tried.

(4) Rocco Geraci, a native of Monreale or Palermo, 32 years of age. I have been informed that he had a wife and children, which statement I propose to verify, if possible. It does not appear, from the lists of citizens, that he had been naturalized. He had not yet been tried.

X (5) Antonino Marchesi, whose real name was Antonio Grimando, as is shown by his passport. He was the son of the late Joseph (Giuseppe)

Grimando and was a native of Roccamena. He was 48 years of age and had been in this country 2 years. He was a widower and had one son, whose name is Gaspare, and who is 14 years old. He declared his intention to become naturalized under the name of Antonino Marchesi only 12 days before Hennessy was assassinated, i. e., October 3, 1890.

(6) Emmanuele Polizzi, son of Salvatore Polizzi deceased. He was 38 years of age and was born in (Armo). Neither of his three sisters in Italy.

He died the day before the assassination (sic). He was

possessed of a passport. He was still living. He

declared his intention in 1887, and, according to the American

Consulate, He had a wife,

the name of Antonio 1846. He was a 1 December 26, 1887. Constitution of law had not yet taken effect.

He declared his intention for the reason above stated, although, according to the American Consulate, He was probably a

murderer. Information concerning the same. I shall, however, proceed in doing so, I will

CORTE.

Baron Fava to Mr. Blaine.

LEGATION OF ITALY,

Washington, March 26, 1891.

MY DEAR MR. BLAINE: In our conversation of yesterday at noon, I had the honor of handing you a copy of the cable-

made in behalf of those who had been in the political affairs, and the rights of the other side were discussed in the incident.

It is not true that the report of the Orleans relations is true. Killed were in the Orleans and that the Orleans relations are true. The Orleans relations are true. Killed were in the Orleans and that the Orleans relations are true.

gram dated March 24, in which Marquis Rudini insisted on the necessity that the Federal Government should formally assure him that the murderers of the Italian subjects in New Orleans be brought to justice without further delay, and that an indemnity be granted to the families of the victims. I furthermore requested you to enable me to answer satisfactorily that cablegram.

While you expressed the desire of consulting the President, urging me in the same time not to cable yet to the marquis, you also promised me repeatedly to furnish me the same evening, before dinner time, with a formal answer.

Not having received said answer until 9 o'clock last night, I called in person on you also to communicate another cablegram just then received, in which Marquis Rudini stated that he could not admit any further delay concerning the answer expected from the Federal Government, in view of our mild and legitimate demands.

Not having received up to to-day, 26th (6 p. m.), the answer you promised me, I am now compelled to request you to let me know how I must interpret your silence.

The first secretary of the Italian legation, bearer of the present, is instructed to await your answer to the requests formulated by the Royal Government.

I am, etc.,

FAVA.

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[No. 33.]

*Mr. Blaine to Mr. Porter.*

[Telegram.]

DEPARTMENT OF STATE,

*Washington, March 29, 1891.*

• PORTER,

*American Minister, Rome:*

Mr. Blaine telegraphed to Mr. Porter that the Italian Government, by its demand for the immediate punishment of the mob, disclosed an evident misunderstanding of the dual

character of the Government of the United States. Mr. Blaine instructed Mr. Porter to explain this fully, as well as the necessity of a thorough investigation before reaching any decision.

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[No. 34.]

*Baron Fava to Mr. Blaine.*

[Translation.]

ROYAL LEGATION OF ITALY,  
*Washington, March 31, 1891.*

MR. SECRETARY OF STATE: By my two notes of the 15th and 18th instant I had the honor to call Your Excellency's serious attention to the occurrences of exceptional gravity which took place at New Orleans on the 14th, whereby four subjects of the King of Italy, who were confined in the prison of that city, were massacred by the mob under the leadership of two American citizens. X

After having formally protested against the unjustifiable conduct of the local authorities, which were evidently recreant to all their duties on that occasion, I reserved to the Government of His Majesty the right to demand such satisfaction as it might think proper, since the occurrences in question constituted a patent violation of the stipulations of the treaty in force between our two countries, which secures to Italian subjects residing in the United States the same protection that is enjoyed by American citizens, and which has always been extended to the latter in Italian territory.

The reparation demanded by the Government of the King, as I have had the honor to inform you in our interviews held during the last few days, was to consist of the following points:

(1) The official assurance by the Federal Government that the guilty parties should be brought to trial.

(2) The recognition, in principle, that an indemnity is due to the relatives of the victims.

Your Excellency was pleased to declare to me that, as the Federal Government did not think it could take this view of

the case, it declined to take the two aforesaid demands into consideration.

Under these circumstances, the Government of His Majesty, considering that the legitimate action of the King's minister at Washington becomes inefficacious, has ordered me to take my departure on leave.

In obedience to the instructions which I have received, I have the honor to announce to Your Excellency that I am going to leave Washington as speedily as possible, leaving the Marquis Imperiali, His Majesty's secretary of legation, in charge of the current business of the royal legation.

Be pleased to accept, etc.,

FAVA.

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[No. 35.]

*Mr. Blaine to Marquis Imperiali.*

DEPARTMENT OF STATE,  
*Washington, April 1, 1891.*

SIR: I have the honor to acknowledge the receipt of a note of yesterday's date from Baron Fava, who has left the Italian legation in your charge.

I beg to express the sincere regret with which the Government of the United States receives the intelligence of Baron Fava's speedy departure from this capital. Though he has more than once intimated this purpose, the Government of the United States has been unable to see adequate reasons for such a step.

The baron's service here for the past ten years has been distinguished at all times by the most agreeable relations with the executive department of this Government. The regret at his leaving is enhanced when, as the President believes, he has been recalled under a misapprehension of facts by the Government of Italy.

The cause of sundering his diplomatic relations with this Government is thus given in his note :

The reparation demanded by the Government of the King, as I have had the honor to inform you in our interviews held during the last few days, was to consist of the following points :

- (1) The official assurance by the Federal Government that the guilty parties should be brought to justice.
- (2) The recognition, in principle, that an indemnity is due to the relatives of the victims.

The first demand thus stated by Baron Fava is slightly changed in phrase from that employed by him in his many verbal requests based on a telegram from the Marquis Rudini which he left with me. The Marquis Rudini declared that "Italy's right to demand and to obtain the punishment of the murderers and an indemnity for the victims is unquestionable." It is inferred that Baron Fava's change of phrase meant no change of demand.

I have endeavored to impress upon him, in the several personal interviews with which he has honored me, that the Government of the United States is utterly unable to give the assurance which the Marquis Rudini has demanded. Even if the National Government had the entire jurisdiction over the alleged murderers, it could not give assurance to any foreign power that they should be punished. The President is unable to see how any government could justly give an assurance of this character in advance of investigation or trial.

In the Constitution of the United States it is declared that :

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed.

It needs no argument to prove that a jury could not be impartial if it were in any sense, or to any degree, bound, before the trial of the accused, by an assurance which the President of the United States had ventured to give to a foreign power.

In the constitution of the State of Louisiana, under whose immediate jurisdiction the crimes were committed, substantially the same provision is found ; so that the governor of that State would be as unable to give a pledge in advance for

the result of a trial under State law as the President would be were it practicable to try the leaders of the mob under the laws of the United States.

In Baron Fava's second point he demands the recognition, in principle, that an indemnity is due to the relatives of the victims. He is assuredly under a grave error when he declares that the United States Government declined to take this demand into consideration, and I shall regret if he has communicated such a conclusion to your Government. The United States, so far from refusing, has distinctly recognized the principle of indemnity to those Italian subjects who may have been wronged by a violation of the rights secured to them under the treaty with the United States concluded February 26, 1871.

I have repeatedly given to Baron Fava the assurance that, under the direction of the President, all the incidents connected with the unhappy tragedy at New Orleans on the 14th of March last should be most thoroughly investigated. I have also informed him that in a matter of such gravity the Government of the United States would not permit itself to be unduly hurried; nor will it make answer to any demand until every fact essential to a correct judgment shall have been fully ascertained through legal authority. The impatience of the aggrieved may be natural, but its indulgence does not always secure the most substantial justice.

Accept, etc.,

JAMES G. BLAINE.

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[No. 36.]

*Mr. Porter to Mr. Blaine.*

[Telegram.]

ROME, *April 1, 1891.*

BLAINE,

*Secretary, Washington:*

Mr. Porter informed Mr. Blaine, in reply to the latter's telegram of March 29, that the Italian Government under-

stood the relations of the Federal and State Governments, but was not satisfied that the Federal Government was employing every effort to secure prompt action by the governor of Louisiana. Mr. Porter stated that a positive assurance on this point would be beneficial, as there was an impression that the Government of the United States desired to temporize. The Italian Parliament would reassemble on the 14th, and the minister of foreign affairs urged that he must be able positively to affirm that the Federal Government had given an assurance that every effort to bring the offenders to justice would be made.

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[No. 37.]

*Mr. Porter to Mr. Blaine.*

No. 180.]

LEGATION OF THE UNITED STATES,

*Rome, April 1, 1891.*

SIR: On the 30th ultimo I had the honor to receive your cipher dispatch, which read as follows.\*

To-day I forward you the following cable (in cipher) in reply.†

The day on which your dispatch was received being a public holiday, and the minister for foreign affairs absent from the city, I could do nothing immediately. On the following day, the minister being still absent, I called to learn when he was expected to return, and was received by Count d'Arco, the under secretary, whom I found thoroughly acquainted with the division between the federal and State jurisdictions in criminal proceedings under our Constitution and with the structure of our Government. He gave me to understand, however, that the ministry was not satisfied that the Federal Government was making as strenuous exertions with the governor of Louisiana to bring the murderers of the Italians to justice as

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\* For telegram see document No. 33.

† For telegram see document No. 36.

it was thought the circumstances required, and intimated that this feeling was so strong that a recall of the Italian minister at Washington might become necessary.

Parliament is to réassembler on the 14th instant, and I discovered, as I thought, that the fear of not being able to satisfy it that proper vigor had been exercised by the ministry occasioned profound anxiety and was tempting to a course more extreme than would otherwise, perhaps, be adopted. Being a coalition ministry, it dreads the risk of attempting to withstand an adverse popular feeling, however temporary. It feels, under these circumstances, that the President should give more definite assurances.

In reply to the count's observations, I stated that the Government had promptly proclaimed its horror at the deed committed by the New Orleans mob and had expressed its strong desire to the governor of Louisiana that he would use his most efficient exertions to bring the perpetrators to justice ; that necessarily, as the Federal Government could not exercise direct authority over the State courts, its proceedings could not be as prompt as might be thought desirable ; but that I was entirely confident that every exertion was being made that lay within the constitutional authority of the President, strictly to fulfill the treaty obligations of the United States with respect to the protection of Italian citizens.

I added, also, that in other cases in which the President, in the exercise of his powers, had appealed to the governors of States to cause the perpetrators of crimes to be brought to justice, and where a seeming slowness in accomplishing what was desired had occasioned temporary impatience, the end had fully vindicated the good faith of the Government and had removed dissatisfaction. These observations seemed to give pleasure to the count, but, nevertheless, it was evident that he felt that the ministry ought to be assisted by some stronger assurances.

I have, etc.,

A. G. PORTER.

[No. 38.]

*Marquis Imperiali to Mr. Blaine.*

[Translation.]

ROYAL LEGATION OF ITALY,  
*Washington, April 2, 1891.*

MR. SECRETARY OF STATE: I hasten to acknowledge the receipt of the note which Your Excellency did me the honor to address to me on the 1st instant in reply to that whereby Baron Fava informed you of his departure on leave.

I have laid the contents of Your Excellency's aforesaid note before the Government of the King, and His Excellency the president of the council, His Majesty's minister for foreign affairs, has just directed me to address the following communication to you:

The Government of the King of Italy has asked nothing beyond the prompt institution of judicial proceedings through the regular channels. It would have been absurd to claim the punishment of the guilty parties without the warrant of a regular judgment. The Italian Government now repeats the same demand. Not until the Federal Government shall have explicitly declared that the aforesaid proceedings shall be promptly begun can the diplomatic incident be considered as closed. Meanwhile His Majesty's Government takes note of the declaration whereby the Federal Government recognizes that an indemnity is due to the families of the victims in virtue of the treaty in force between the two countries.

I have therefore the honor to bring the foregoing to the knowledge of Your Excellency, and I avail myself of this occasion to offer you, Mr. Secretary of State, the assurances of my highest and most respectful consideration.

IMPERIALI.

[No. 39.]

*Mr. Blaine to Governor Nicholls.*

[Telegram.]

WASHINGTON, *April 3, 1891.*

Please give by telegraph the names of the four Italians who are claimed as subjects of the King. Please give, as

accurately as is known, the history of these men before they left Italy. I shall be greatly obliged for a very prompt answer. It is said the men were all criminals in Italy, and that some of them escaped punishment by consenting to come to this country. Give all authentic facts in your possession.

JAMES G. BLAINE.

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[No. 40.]

*Governor Nicholls to Mr. Blaine.*

[Telegram.]

NEW ORLEANS, *April 3, 1891.*

Your dispatch of this morning has been received. I think only three persons among the killed are claimed as Italian subjects—Loretto Comitez, Peter Monastero, and Charles Traina. I am told the real name of Traina is Vincenzo Traina. The registrar of voters in New Orleans reports to me that all the parties killed are registered voters in New Orleans, with the exception of Monastéro, Traina, Comitez, and Manuel Politz. The latter declared his intention of becoming a citizen in the criminal district court of New Orleans, October 13, 1890. Traina, most of the time, has been in the parish of St. Charles, on the Sarpy plantation. I have been unable to find any record of him as to his citizenship. I will send you report sent me by the registrar. I am unable to give you, with any degree of authenticity, the past history of these parties. The reports you have heard are and have been current here. I do not know affirmatively that any of the parties are Italian subjects.

FRANCIS T. NICHOLLS,

*Governor.*

[No. 41.]

*Governor Nicholls to Mr. Blaine.*

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,  
*Baton Rouge, April 3, 1891.*

SIR: I have the honor to transmit to you herewith the certificate from the registrar of voters alluded to by me in my dispatch of this morning.

Very respectfully,

FRANCIS T. NICHOLLS.

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[Inclosure.]

*Supervisor of Registration Flynn to Governor Nicholls.*

OFFICE OF SUPERVISOR OF REGISTRATION,  
 FOR THE PARISH OF ORLEANS,  
*New Orleans, April 3, 1891.*

DEAR SIR: I have the honor to respectfully certify that the following-named persons appear upon the records of this office as duly qualified voters of the parish of Orleans, to wit:

(1) Antonio Bagnetto; residence, 224 Poydras street; registered December 26, 1887, on declaration papers issued August 30, 1887; born 1846, in Italy.

(2) John Caruso; residence, 225½ Dauphine street; registered September 3, 1886; naturalized July 12, 1878, before second district court for the parish of Orleans; born in Italy in 1856.

(3) James Caruso; residence, 241 Chartres street; registered September 18, 1886; declared his intentions before criminal district court, parish of Orleans, September 18, 1886; born in Italy in 1854.

(4) Charles Matranga; residence, 266 Poydras street; registered October 12, 1872, on his father's naturalization papers; born in Italy in 1857.

(5) Antonio Marchese; residence, 312 Lafayette street; registered October 3, 1890; declared his intention to become a citizen of the United States October 3, 1890.

(6) Antonio Scaffidi; residence, 219½ Dryades street; registered October 3, 1890, on declaration papers obtained before criminal district court October 3, 1890; born in Italy in 1866.

(7) Charles Pietro; residence, 269 Poydras street; registered October 18, 1881, on declaration papers obtained before criminal district court October 18, 1887; born in Italy in 1857.

(8) Joseph Macheca; residence, 206 St. Claude street; registered October 6, 1888; born in Louisiana.

(9) Charles Patromo; residence, No. 70 Dumaine street; registered May 16, 1889; born in Louisiana in 1859.

(10) Frank Romeo; residence, 115 St. Ann street; registered April 3, 1888; naturalized April 6, 1868, before the fourth district court for the parish of Orleans; born in Italy in 1846.

(11) Francisco Gerrachi, better known as Rocco Gerrachi; residence, 291 Bourbon street; registered October 3, 1887; naturalized January 3, 1884, before the civil district court for the parish of Orleans; born in Italy in 1859.

All of which is respectfully certified to as a correct record from the registration books on file in this office, as witness my hand and seal this 3d day of April, 1891.

[SEAL.]

GEO. W. FLYNN,

*Supervisor of Registration for the Parish of Orleans.*

[Inclosure.]

*List of persons arrested and charged with the assassination of the late D. C. Hennessy.*

OFFICE OF SUPERVISOR OF REGISTRATION,

FOR THE PARISH OF ORLEANS,

*New Orleans, April 3, 1891.*

- (1) Antonio Bagnetto, registered as a voter; killed at parish prison.
- (2) John Caruso, registered as a voter.
- (3) James Caruso, registered as a voter; killed at parish prison.
- (4) Charles Matranga, a registered voter; released.
- + (5) Antonio Marchese, registered as a voter; killed at parish prison.
- + (6) Antonio Scaffidi, registered as a voter; killed at parish prison.
- (7) Charles Pietzo, registered as a voter; released on bail.
- + (8) Joseph Macheca, registered; killed at parish prison.
- (9) Charles Patomo, registered as a voter; released on bail.
- + (10) Frank Romeo, registered as a voter; killed at parish prison.
- + (11) Francisco Gerrachi, known as Rocco Gerrachi; registered as a voter; killed at parish prison.
- + (12) Peter Monastero, not registered; killed at parish prison.
- + (13) Loretto Comitez, not registered; killed at parish prison.
- (14) Manuel Politz, not registered, but declared his intentions October 13, 1890, before criminal district court; killed at parish prison.
- X — (15) — Trahina, not registered; killed at parish prison.
- (16) Peter Natalie, not registered; released on bail.
- (17) Bastian Incardona, not registered; set at liberty.
- (18) Salvador Sunserzi, not registered; released on bail.
- (19) Aspin Marchese (the boy), not registered; set free.

[No. 42.]

*Mr. Porter to Mr. Blaine.*

No. 181.]

LEGATION OF THE UNITED STATES,

*Rome, April 3, 1891.*

SIR: I called on the Marquis di Rudini yesterday to pay my respects, to refer to the interview with Count d'Arco, mentioned in my dispatch No. 180 of the 1st instant, and to satisfy myself that the substance of what had been said had been accurately reported to the minister and was clearly understood. His manner was most kind and friendly, and he seemed fully to comprehend the constitutional difficulty which prevented the Federal Government from proceeding with the haste which was desired. He stated, however, that Baron Fava had been recalled, and that this was the least that could be done under the circumstances, but added that the chargé d'affaires had been left in his place.

I reiterated my previous expressions of confidence that in the end it would be perceived that the Federal Government had diligently exercised all the authority with which it was clothed to bring the New Orleans offenders to justice, and that the Government of Italy would be satisfied that it had acted with the highest good faith and the utmost earnestness.

I have, etc.,

A. G. PORTER.

[No. 43.]

*Mr. Blaine to Marquis Imperiali.*

DEPARTMENT OF STATE,

*Washington, April 14, 1891.*

SIR: I have the honor to acknowledge the receipt of your note dated Thursday, April 2, 1891. It contains a second telegram from the Marquis Rudini, a part of which I here quote:

The Government of the King of Italy has asked nothing beyond the prompt institution of judicial proceedings through the regular channels. It

would have been absurd to claim the punishment of the guilty parties without the warrant of a regular judgment. The Italian Government now repeats the same demand. Not until the Federal Government shall have explicitly declared that the aforesaid proceedings shall be promptly begun can the diplomatic incident be considered as closed.

This Government certainly had no desire whatever to change the meaning of the Marquis Rudini's telegram of March 24. It was delivered at the State Department by Baron Fava in person, written in his own hand, and expressed in the English language. The following is the full text of the telegram:

ROME, March 24, 1891.

*Italian Minister, Washington :*

Our requests to the Federal Government are very simple. Some Italian subjects, acquitted by the American magistrates, have been murdered in prison while under the immediate protection of the authorities. *Our right, therefore, to demand and obtain the punishment of the murderers and an indemnity for the victims is unquestionable.* I wish to add that the public opinion in Italy is justly impatient, and, if concrete provisions were not at once taken, I should find myself in the painful necessity of showing openly our dissatisfaction by recalling the minister of His Majesty from a country where he is unable to obtain justice.

(Signed,) RUDINI.

The words underscored are precisely those which I quoted in my former note; and I am directed by the President to express the satisfaction of this Government with the very material qualification of the demand made by the Marquis Rudini on behalf of the Italian Government.

You quote in your note another part of the Marquis Rudini's telegram of April 2 in these words:

Meanwhile His Majesty's Government takes note of the declaration whereby the Federal Government recognizes that an indemnity is due to the families of the victims in virtue of the treaty in force between the two countries.

If the Marquis Rudini will carefully examine my note of April 1, he will discover that I did not "recognize that an indemnity is due to the families of the victims in virtue of the treaty in force between the two countries." What I did say was in answer to Baron Fava's assertion that the United States

Government refused to take this demand for indemnity into consideration. I quote my reply:

The United States, so far from refusing, has distinctly recognized the principle of indemnity to those Italian subjects *who may have been wronged by a violation of the rights secured to them under the treaty with the United States concluded February 26, 1871.*

The Marquis Rudini may be assured that the United States would recompense every Italian subject who might "be wronged by the violation of a treaty" to which the faith of the United States is pledged. But this assurance leaves unsettled the important question whether the treaty has been violated. Upon this point the President, with sufficient facts placed before him, has taken full time for decision. He now directs that certain considerations on the general subject be submitted to the judgment of the Italian Government.

As a precedent of great value to the case under discussion, the President recalls the conclusion maintained by Mr. Webster in 1851, when he was Secretary of State under President Fillmore. In August of that year a mob in New Orleans demolished the building in which the office of the Spanish consul was located, and at the same time attacks were made upon coffeehouses and cigar shops kept by Spanish subjects. American citizens were involved in the losses, which, in the aggregate, were large. The supposed cause of the mob was the intelligence of the execution of fifty young Americans in Havana and the banishment to Spanish mines of nearly two hundred citizens of the United States. The victims were all members of the abortive Lopez expedition.

In consequence of these depredations of the mob upon the property of the Spanish consul, as well as against the Spanish subjects, Don Calderon de la Barca, the minister of Spain, demanded indemnification for all the losses, both official and personal.

Mr. Webster admitted that the Spanish consul was entitled to indemnity, and assured the Spanish minister that if the injured consul, Mr. Laborde—

shall return to his post, or any other consul for New Orleans shall be appointed by Her Catholic Majesty's Government, the officers of this Govern-

ment resident in that city will be instructed to receive and treat him with courtesy and with a national salute to the flag of his ship, if he shall arrive in a Spanish vessel, as a demonstration of respect, such as may signify to him and to his Government the sense entertained by the Government of the United States of the gross injustice done to his predecessor by a lawless mob, as well as the indignity and insult offered by it to a foreign State with which the United States are, and wish ever to remain, on terms of the most respectful and pacific intercourse.

But when pressed by the Spanish minister to afford indemnity to Spanish subjects injured by the mob in common with American citizens, Mr. Webster declined to accede to the demand, and gave his reasons as follows:

This Government supposes that the rights of the Spanish consul, a public officer residing here under the protection of the United States Government, are quite different from those of the Spanish subjects who have come into the country to mingle with our own citizens and here to pursue their private business and objects. The former may claim special indemnity; the latter are entitled to such protection as is afforded to our own citizens. While, therefore, the losses of individuals, private Spanish subjects, are greatly to be regretted, yet it is understood that many American citizens suffered equal losses from the same cause; and these private individuals, subjects of Her Catholic Majesty, coming voluntarily to reside in the United States, have certainly no cause of complaint if they are protected by the same laws and the same administration of law as native-born citizens of this country. They have, in fact, some advantages over citizens of the State in which they happen to be, inasmuch as they are enabled, until they become citizens themselves, to prosecute for any injuries done to their persons or property in the courts of the United States or the State courts, at their election.

It is proper, however, to add that 2 years after Mr. Webster wrote the foregoing note Congress, in recognition of certain magnanimous conduct on the part of the Queen of Spain in pardons bestowed on Americans who had unjustifiably invaded the island of Cuba, enacted a joint resolution, approved by President Fillmore March 3, 1853, the last day of his term, indemnifying the Spanish consul and other Spanish subjects for the losses sustained in the New Orleans mob of 1851. The considerations upon which this resolution was passed were held not to contravene the original position of Mr. Webster, shared also by President Fillmore.

The right to judicial remedy which Mr. Webster assured to the Spanish subjects is likewise assured to the Italian sub-

jects. The right is specially guarantied in the second section of the third article of the Constitution. And, as Mr. Webster points out, the resident alien has a privilege which is denied to the citizen. The widows and children of the citizens who lost their lives by mob violence may sue the leaders and members of the mob only in the courts of the State of Louisiana, while the widows and children of the Italian subjects who suffered death have the right to sue each member of the mob, not only in the State courts, but also before the federal tribunals for the district of Louisiana.

Provision is made in the revised civil code of Louisiana for redress of such grievances as the widows and children of the victims of the mob may plead. I quote :

ARTICLE 2314. Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it. The right of this action shall survive, in case of death, in favor of the minor children and widow of the deceased, or either of them, and, in default of these, in favor of the surviving father or mother, or either of them, for the space of 1 year from the death.

ART. 2316. Every person is responsible for the damage he occasions, not merely by his act, but by his negligence, his imprudence, or his want of skill.

ART. 2324. He who causes another person to do an unlawful act, or assists or encourages in the commission of it, is answerable *in solido* with that person for the damage caused by such act.

The Government of the United States would feel justified in resting on the argument and conclusion of Mr. Webster if the mob of March 14, 1891, did not, in some of its characteristics, differ from the mob of 1851. But it is due to entire candor, due to this Government, and due to the Government of Italy to point out certain differences of which the Government of the United States is honorably bound to take notice. In the case of the mob of 1851 Mr. Webster asserts that "no personal injury was offered to anyone;" that "the police and other legal authorities did all that was possible to preserve the peace and arrest the rioters;" that "the mob acted in the heat of blood, and not in pursuance of any predetermined plan or purpose of injury or insult;" that "the mob was composed of irresponsible persons, the names of none of

whom are known to the Government of the United States, nor, so far as the Government is informed, to its officers or agents in New Orleans."

As promptly as possible after the lamentable occurrence at New Orleans the President directed the Attorney-General to cause, through his Department, a full inquiry to be made into all the facts connected therewith and solicited his opinion whether any criminal proceedings would lie under the federal laws in the federal courts against persons charged with the killing of Italian subjects. He has not yet received the official report. If it be found that a prosecution can be maintained under the statutes of the United States, the case will be presented to the next grand jury according to the usual methods of criminal administration. But if it shall be found, as seems probable, that criminal proceedings can only be taken in the courts of Louisiana, the President can in this direction do no more than to urge upon the State officers the duty of promptly bringing the offenders to trial. This was done in his telegram to the governor of Louisiana as early as the 15th of March.

If it shall result that the case can be prosecuted only in the State courts of Louisiana, and the usual judicial investigation and procedure under the criminal law is not resorted to, it will then be the duty of the United States to consider whether some other form of redress may be asked. It is understood that the State grand jury is now investigating the affair, and, while it is possible that the jury may fail to present indictments, the United States can not assume that such will be the case.

The United States did not by the treaty with Italy become the insurer of the lives or property of Italian subjects resident within our territory. No Government is able, however high its civilization, however vigilant its police supervision, however severe its criminal code, and however prompt and inflexible its criminal administration, to secure its own citizens against violence promoted by individual malice or by sudden popular tumult. The foreign resident must be content in such cases to share the same redress that is offered by the law to the citizen, and has no just cause of complaint or right

to ask the interposition of his country if the courts are equally open to him for the redress of his injuries.

✓ The treaty, in the first, second, third, and, notably, in the twenty-third articles, clearly limits the rights guarantied to the citizens of the contracting powers in the territory of each to equal treatment and to free access to the courts of justice. Foreign residents are not made a favored class. It is not believed that Italy would desire a more stringent construction of her duty under the treaty. Where the injury inflicted upon a foreign resident is not the act of the Government or of its officers, but of an individual or of a mob, it is believed that no claim for indemnity can justly be made, unless it shall be made to appear that the public authorities charged with the peace of the community have connived at the unlawful act, or, having timely notice of the threatened danger, have been guilty of such gross negligence in taking the necessary precautions as to amount to connivance.

If, therefore, it should appear that among those killed by the mob at New Orleans there were some Italian subjects who were resident or domiciled in that city, agreeably to our treaty with Italy, and not in violation of our immigration laws, and who were abiding in the peace of the United States and obeying the laws thereof and of the State of Louisiana, and that the public officers charged with the duty of protecting life and property in that city connived at the work of the mob, or, upon proper notice or information of the threatened danger, failed to take any steps for the preservation of the public peace and afterwards to bring the guilty to trial, the President would, under such circumstances, feel that a case was established that should be submitted to the consideration of Congress with a view to the relief of the families of the Italian subjects who had lost their lives by lawless violence.

Accept, etc.,

JAMES G. BLAINE.

[No. 44.]

*The Attorney-General to Mr. Blaine.*

DEPARTMENT OF JUSTICE,  
*Washington, D. C., April 28, 1891.*

SIR: Herewith I hand you the report of the district attorney for the eastern district of Louisiana, touching the citizenship, etc., of the persons killed by the mob in New Orleans last month. These I send direct to you, because it is a matter within the cognizance of your Department, not mine.

I have become satisfied that there is no statute of the United States under which the persons responsible for this mob can be prosecuted in the federal courts.

Very truly yours,

W. H. H. MILLER,  
*Attorney-General.*

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[Inclosure.]

*United States Attorney Grant to Attorney-General Miller.*

NEW ORLEANS, LA., *April 27, 1891.*

SIR: In compliance with the directions contained in your letters of March 25 and 30, I beg to inform you that I have made a thorough investigation as to the nativity and citizenship of the alleged Italian subjects who were killed in the parish prison on the 14th of March last. I now submit the result of my examination on these points, together with a general but brief statement of the circumstances which preceded this unfortunate occurrence.

These persons were indicted, with others, on the 13th day of December, 1890, in the criminal district court of the State, No. 14414 on the docket, for the alleged murder of David C. Hennessy on the night of October 15, 1890: Antonio Scaffidi, Antonio Bagnetto, Antonio Marchesi, Pietro Monastero, Charles Traina, Manuel Politz, and Loretto Comitz as principals and James Caruso, Roco Gerachi, Frank Romero, and Joseph P. Macheca as accessories before the fact.

At the same time another indictment was found against them for the same offense and filed under the No. 14415. Copies of both are annexed to this report, marked Exhibits Nos. 1 and 2. They were arraigned and pleaded not guilty to both indictments.

About the middle of February last they were arraigned for trial on indictment No. 14414 before section B of said criminal court, Judge Baker presiding, whereupon the State obtained an order of severance and proceeded with the trial of nine only of the accused, among them six of those subsequently killed.

Of these Bagnetto, Marchesi, and Macheca were found not guilty on the 13th day of March, 1891, and as to Scaffidi, Politz, and Monastero, there was a mistrial, the jury failing to agree.

The verdict was rendered about 12 o'clock, and sometime during the night of that day a meeting was held by certain persons who were dissatisfied with the verdict, which resulted in a call for the populace to assemble at Clay statue, on Canal street, at 10:30 o'clock a. m. the next day, to take into consideration the vindication of the law on account of the failure of the jury to convict. The next morning at the appointed hour a large crowd assembled at Clay statue, and from there proceeded to the parish prison, where the accused were confined, and, forcing an entrance, shot them to death. Of the eleven killed, Antonio Bagnetto, Antonio Marchesi, and Joseph P. Macheca had been tried and acquitted, and Antonio Scaffidi, Manuel Politz, and Pietro Monastero had been tried, but the jury disagreed and there was no verdict. The others, James Caruso, Loretto Comitz, Frank Romero, and Roco Gerachi, had not been tried.

I now proceed to give in detail a history of each person killed, so far as I can from the evidence I have been able to obtain.

d Antonio Scaffidi made his declaration before the criminal district court for the parish of Orleans for the purpose of becoming a citizen of the United States October 10, 1887, stating that he was 22 years old, born in Italy, arrived in the city of New York March 5, 1880 (see Exhibit 3); registered as a voter in Orleans Parish, La., on said declaration October 3, 1890 (see Exhibit A); indicted for the murder of Hennessy December 13, 1890; tried, but jury failed to agree on a verdict. The Italian consul states that he was born in Brolo, province of Messina, from whence he came to the United States when about 14 years of age under a passport dated November 19, 1880. (According to his own statement in his declaration, he arrived in New York October 5, 1880.)

d Antonio Bagnetto made declaration before the criminal district court for the parish of Orleans for the purpose of becoming a citizen of the United States August 29, 1887, stating that he was a native of Italy, 41 years old, arrived in New Orleans December, 1875 (see Exhibit 4); registered as a voter in Orleans Parish, La., December 26, 1887 (see Exhibit A); indicted for the murder of Hennessy December 13, 1890; acquitted March 13, 1891. The Italian consul states that he was born in Palermo and came from there to New Orleans in 1875; that he was a sailor, and that his true name was Antonio Abagnatto. His book of record, which all Italian sailors must have, and which is a substitute for a passport, is deposited at the consulate. The consul gives him a good character.

James Caruso made declaration before the criminal district court September 18, 1886, for the purpose of becoming a citizen of the United States, stating that he was a native of Italy, 32 years old, arrived in New Orleans March 8, 1867 (see Exhibit 5); registered as a voter in Orleans Parish, La., September 18, 1886 (see Exhibit A). This man always took part in politics and voted. He was at one time a commissioner of elections in the Fifth ward (see affidavits of John Journee, George Provenzano, Paul Ducastanig, and Joseph Provenzano). Indicted December 13, 1890, for the murder of Hennessy, but not tried. The Italian consul states that his true name was Gerolamo Caruso, and that he came from Palermo when so young as not to need a passport. (As he came to this country in 1867, and was 32 years old in 1886, when he made his declaration, he must have been about 13 years old when he arrived.)

Antonio Marchesi made declaration of intention to become a citizen of the United States before the criminal district court of Orleans Parish October 3, 1890 (see Exhibit 6); registered as a voter October 3, 1890, in Orleans Parish (see Exhibit A); does not appear to have taken an active part in politics nor to have voted. The Italian consul states that his true name was Antonio Grimando, and that he came to New Orleans from Roccamena, province of Palermo, under a passport dated October 10, 1888, and that he is supposed to have had some trouble with a woman, not resulting, however, before he came to this country, in his being charged with any crime. His passport is deposited at the consulate. The records of the custom-house show that he arrived in New Orleans November 19, 1888, per steamship *Plata*, from Palermo, under the name of Antonio Grimando. He was indicted for the murder of Hennessy December 13, 1890, and acquitted March 13, 1891.

Manuel Politz made declaration to become a citizen of the United States before the criminal district court of Orleans Parish October 13, 1890, stating that he was a native of Italy, 29 years old; arrived in New Orleans December 25, 1884 (see Exhibit 7); registered as a voter in Orleans Parish October 13, 1890 (see Exhibit A). He signs himself Emanuelle Polizzi in his declaration and on the registration rolls, but it is evidently the same name. Indicted December 13, 1890, for the murder of Hennessy; tried, but the jury failed to agree, and there was a mistrial March 13, 1891. The Italian consul states that he was born in San Cipriano Jato, Italy; and that his name was Emanuele Polizzi; that he came to New Orleans in 1882, and is reported to have been an unruly character in Italy, although he was never tried for a crime. His passport, if he had one, has not been deposited at the consulate. At one time he lived in Austin, Tex., where he cut a man with a knife.

Joseph P. Macheca, born in New Orleans in 1843; occupation, merchant; residence, 206 St. Claud street, New Orleans; registered as a native of Louisiana and as a voter October 6, 1886 (see Exhibit A); voted and took an active part in politics (see affidavits of John Journee and H. R. Ducastaing); indicted December 13, 1890, for the murder of Hennessy, and tried and ac-

quitted by the jury March 13, 1891. He is admitted by the Italian consul to have been an American citizen.

Frank Romero obtained final papers of naturalization April 4, 1868, before the fourth district court of Orleans Parish as a citizen of the United States (see Exhibit 10); registered as a voter April 3, 1888, in New Orleans (see Exhibit A); voted and took an active part in politics (see affidavits of George Provenzano and John Journee); indicted December 13, 1890, for the murder of Hennessy, but not tried. He is admitted by the Italian consul to have become an American citizen by naturalization. C

Roco Gerachi. The Italian consul states that he was born in Monreale, near Palermo, Italy; that he was registered as a voter in this city in 1880, as appears from a certificate of the registrar deposited in the consular office some time ago, but lately sent to the Italian minister in Washington; that he was charged with murder in Italy, but escaped to this country in 1878 before he could be arrested, but was condemned in contumacy and sentenced to 10 years' imprisonment. The depositions of George and Joseph Provenzano, John Journee, Dan Douglass, and Mike Early, herewith transmitted, show that he took an active part in politics and voted at elections. He must have made a declaration of his intention to become a citizen before he could receive a certificate of registration. Thus far I am unable to find the record of his declaration or registration. He had no passport. C

Charles Traina does not appear to have taken any steps to become a citizen, nor to have taken part in politics, nor voted, under this or any other name. The Italian consul states that his true name was Vincenzo Traina; that he was born in Contessa, Entallina, Italy, and came to New Orleans under a passport dated October 17, 1882, at the age of 30. His passport is deposited at the consular office. He was indicted for the murder of Hennessy December 13, 1890, but not tried. For 2 years prior to the assassination he was a laborer on Sarpi plantation, and it is said he came to New Orleans the day before Hennessy was killed and returned the day after.

Loretto Comitz; occupation, tinsmith; residence, 192 South Liberty street, New Orleans; does not appear to have made any declaration of intention to become a citizen of the United States, nor to have registered as a voter in this city. He was indicted for the murder of Hennessy December 13, 1890, but never put on trial. The Italian consul states that he was born in Neevella, near Rome, where he was convicted on a charge of theft and sentenced to 3 years' imprisonment. He came to this country some 20 years ago, but whether he escaped or left Italy after serving his time does not appear. If he came under a passport, it is not deposited at the consulate.

Pietro Monastero arrived in New Orleans January 7, 1890, per Italian steamship *Plata*, and is described on the passenger list as a shoemaker by occupation, 46 years old, from Palermo (see certificate of collector of the port, marked Exhibit 8); indicted for murder of Hennessy December 13, 1890, but there was a mistrial March 13, 1891. The Italian consul states that he came from Caccamo, Italy, where he had a wife and five children,

and gives him a good character. His passport is deposited in the consular office.

X From the foregoing history of each of the persons killed, it will be seen that Joseph P. Macheca was a native of Louisiana and Frank Romero was a fully naturalized citizen, having taken out his final papers and voted; that Antonio Bagnetto, Antonio Scaffidi, Roco Gerachi, and James Caruso had made the preliminary declaration of their intention to become citizens of the United States and had registered as voters and voted in the parish of Orleans; that Manuel Politz and Antonio Marchesi had made their preliminary declarations and registered as voters, but had not voted, having been arrested soon after the date of their registration; and that Charles Traina, Loretto Comitz, and Pietro Monastero had made no declaration of their intentions to become citizens and had not voted or taken part in politics, as far as known.

As to the alleged bribery of the jury which tried the persons accused of the murder of Hennessy, I have to report that my examination does not connect any of the persons killed with that charge, if true.

Some indictments have been lately found against D. C. O'Malley, a detective employed in the defense, charging him with an attempt to bribe talesmen summoned on the jury, and an inquest is now being held, and it is understood that the grand jury have found true bills against other persons on the same charge; but the evidence on which the grand jury acted is not accessible to me.

I am unable to obtain any direct evidence connecting these persons with the Mafia, or any other association of a similar character in the city. The existence of such a society has been known and believed in by the public generally for a great many years, but its secrets have never been penetrated by the civil authorities. Few of those living who have been its victims have the courage to speak. Of the many persons whom I have examined on the subject, only two, George and Joseph Provenzano, have been willing to disclose the truth in an affidavit. They have testified to the existence of the society and furnished evidence of its practices in the form of blackmailing and threatening letters, which I forward attached to their affidavits. In this connection, I forward a statement made by the chief of police of this city, showing a great number of murders, affrays, and assaults committed by Italians in this city during the last 25 years, the perpetrators of which have not been punished, because the evidence was suppressed or concealed. I do not draw the inference myself from the facts disclosed by this statement that these crimes were all the work of the Mafia, but they are attributed to that society generally by the public.

I have not attempted to examine into the guilt or innocence of the persons accused of the murder of Hennessy. The evidence in the case against them submitted to the jury is voluminous, covering some 800 pages of type-writing. Both as a whole and in detail it is exceedingly unsatisfactory, and is not, to my mind, conclusive one way or the other. I have endeavored to

ascertain whether they have been law-abiding citizens since their arrival in this country, but have not been able to connect them with any criminal practices prior to their indictment in the Hennessy case, except in the case of Manuel Politz, who is reported to have assaulted and cut a person in Austin, Tex., some years ago.

As to their history before they came to this country, I have taken the statement of His Excellency the Italian consul at this port, and the information is noted below each name. From this it appears that Roco Gerachi and Loretto Comitiz were escaped criminals when they came to the United States.

I have received a communication from His Excellency Pascale Corte, Italian consul, relating to the civil status of the alleged Italian subjects at the time they were killed, which I have the honor to forward herewith for your consideration. He claims that even if these persons had made a declaration of their intention to become citizens of the United States, and afterwards exercised the right to vote given by article 185 of the constitution of the State of Louisiana, still they are not to be considered citizens until they have resided in the United States for a period of 5 years and have been granted final papers, as provided by section 2165 of the Revised Statutes of the United States.

Without presuming to give an opinion on this question, which, I assume, is to be dealt with by the political department of the Government, I take the liberty of suggesting that after these persons renounced allegiance to their King, and while maintaining their residence in the United States and exercising the privilege of citizens, they ought to be held to have renounced all claim to the protection of the country of their nativity.

Respectfully submitted,

WILLIAM GRANT,  
*United States Attorney.*

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[Exhibit 1.]

The State of Louisiana, criminal district court for the parish of Orleans, ss.:

The grand jurors of the State of Louisiana, duly impaneled and sworn in and for the body of the parish of Orleans, in the name and by the authority of the said State, upon their oath, present: That one Peter Natali, one Antonio Scaffidi, one Antonio Bagnetto, one Manuel Politz, one Antonio Marchesi, one Bastian Incardona, one Salvador Sinceri, one Loretto Comitiz, one Charles Traina, and one Pietro Monastero, late of the parish of Orleans, on the 15th day of October, in the year of our Lord 1890, with force and arms, in the parish of Orleans, aforesaid, and within the jurisdiction of the criminal district court for the parish of Orleans, while lying in wait, feloniously did shoot one David C. Hennessey with a dangerous weapon, to wit, a gun, with

the felonious intent willfully, feloniously, and of their malice aforethought, to kill and murder him, the said David C. Hennessey, contrary to the form of the statute of the State of Louisiana in such case made and provided, and against the peace and dignity of the same. And the grand jurors aforesaid, upon their oath aforesaid, do further present: That one Charles Pietzoza, one Osperi Marchesi, one Joseph P. Macheca, one James Caruso, one Charles Matranga, one Roco Gerachi, one Charles Patorno, one Frank Romero, and one John Caruso, before the said felony was committed in form aforesaid, to wit, on the 15th day of October, in the year aforesaid, in the parish aforesaid, and within the jurisdiction aforesaid, did feloniously and maliciously incite, move, procure, and counsel, hire, and command the said Peter Natali, the said Antonio Scaffidi, the said Antonio Bagnetto, the said Manuel Politz, the said Antonio Marchesi, the said Bastian Incardona, the said Salvador Sinceri, the said Loretto Comitiz, the said Charles Traina, and the said Pietro Monastero, the said felony in manner and form aforesaid to do and commit, contrary to the form of the statute of the State of Louisiana, in such cases made and provided, and against the peace and dignity of the same.

(Signed,) C. H. LUZENBERG,  
*District Attorney for the Parish of Orleans.*

[ Indorsements.]

No. 14415. Section A.

The State of Louisiana *v.* Peter Natali, Antonio Scaffidi, Charles Traina, Antonio Bagnetto, Manuel Politz, Antonio Marchesi, Pietro Monastero, Bastian Incardona, Salvador Sinceri, and Loretto Comitiz as principals and Osperi Marchesi, Joseph P. Macheca, James Caruso, Charles Matranga, Roco Gerachi, Charles Patorno, Frank Romero, John Caruso, and Charles Pietza as accessories before the fact.

Indictment for shooting while lying in wait with intent to murder.

DECEMBER 13, 1890.

A true bill.

(Signed,) ROBERT M. WALMSLEY,  
*Foreman.*

Returned into open court, recorded, and filed December 13, 1890.

(Signed,) R. D. SCREVEN,  
*Minute Clerk.*

Arraigned December 22, 1890, and pleaded not guilty.

(Signed,) HY RENSHAW,  
*Minute Clerk.*

Nolle prosequied March 16, 1891.

(Signed,) F. J. LETTEN,  
*Minute Clerk.*

I, James Mut, jr., a deputy clerk of the criminal district court for the parish of Orleans, do hereby certify the foregoing copy of indictment and indorsements thereon to be a true, full, and correct copy of the original as the same appears on file and of record in the aforesaid office.

In testimony whereof, I hereunto sign my name and affix the seal of said court, at the city of New Orleans, this 20th day of March, in the year of our Lord one thousand eight hundred and ninety-one, and the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

J. MUT, JR.,  
*Deputy Clerk.*

[Exhibit 2.]

The State of Louisiana, criminal district court for the parish of Orleans, ss :

The grand jurors of the State of Louisiana, duly impaneled and sworn in and for the body of the parish of Orleans, in the name and by the authority of the said State, upon their oath, present: That one Peter Natali, one Antonio Scaffedi, one Antonio Bagnetto, one Manuel Politz, one Antonio Marchesi, one Bastian Incardona, one Salvador Sinceri, one Loretto Comitz, one Charles Traina, and one Pietro Monastero, late of the parish of Orleans, on the 15th day of October, in the year of our Lord, 1890, with force and arms, in the parish of Orleans, aforesaid, and within the jurisdiction of the criminal district court for the parish of Orleans, willfully, feloniously, and of their malice aforethought, did kill and murder one David C. Hennessy, contrary to the form of the statute of the State of Louisiana in such case made and provided, and against the peace and dignity of the same. And the grand jurors aforesaid, upon their oath aforesaid, do further present that one Charles Pietza, one Osperi Marchesi, one Joseph P. Macheca, one James Caruso, one Charles Matranga, one Rocco Gerachi, one Charles Patrono, one Frank Romero, and one John Caruso, before the said felony and murder was committed in form aforesaid, to wit, on the 15th day of October, in the year aforesaid, and within the jurisdiction of the court aforesaid, did feloniously and maliciously incite, move, procure, aid, counsel, hire, and command the said Peter Natali, the said Antonio Scaffedi, the said Antonio Bagnetto, the said Manuel Politz, the said Antonio Marchesi, the said Bastian Incardona, the said Salvador Sinceri, the said Loretto Comitz, the said Charles Traina, and the said Pietro Monastero, the said felony and murder in manner and form aforesaid to do and commit, contrary to the form of the statute of the State of Louisiana, in such cases made and provided, and against the peace and dignity of the same.

C. H. LUZENBERG,  
*District Attorney for the Parish of Orleans.*

[Indorsements.]

No. 14414- Section B.

The State of Louisiana *v.* Peter Natali, Antonio Scaffedi, Charles Traina, Antonio Bagnetto, Manuel Politz, Antonio Marchesi, Pietro Monastero, Bastian Incardona, Salvador Sinceri, and Loretto Comitz as principals and Osperi Marchesi, Joseph P. Macheca, James Caruso, Charles Matranga, Rocco Gerachi, Charles Patorno, Frank Romero, John Caruso, and Charles Pietza as accessories before the fact.

Indictment for murder.

DECEMBER 13, 1890.

A true bill.

(Signed,)

ROBERT M. WALMSLEY,

*Foreman.*

Returned into open court, recorded, and filed December 13, 1890.

(Signed,)

R. D. SCREVEN,

*Minute Clerk.*

DECEMBER 22, 1890.

Each of the accused was arraigned, and each pleaded not guilty.

(Signed,)

R. D. SCREVEN,

*Minute Clerk.*NEW ORLEANS, *March 13, 1891.*

Bastian Incardona, Charles Matranga, Antonio Bagnetto, Osperi Marchesi, Antonio Marchesi, Joseph P. Macheca, not guilty.

(Signed,)

J. M. SELIGMAN,

*Foreman.*

I, H. W. Hubbard, a deputy clerk for the criminal district court for the parish of Orleans, do hereby certify the foregoing copy of indictment and indorsements thereon to be a true, full, and correct copy of the original as the same appears on file and of record in the aforesaid office.

In testimony whereof, I hereunto sign my name and affix the seal of said court, at the city of New Orleans, this 4th day of April, in the year of our Lord 1891, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

H. W. HUBBARD,

*Deputy Clerk.*

[Exhibit 3.]

The State of Louisiana, criminal district court for the parish of Orleans:

NEW ORLEANS, *October 10, 1887.*

Personally came and appeared before me, John A. Shine, deputy clerk of the criminal district court for the parish of Orleans, Antony Scaffedi, a native

of Italy, aged 22 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New York, in the State of New York, on the 5th day of March, in the year of our Lord one thousand eight hundred and eighty, and since the year one thousand eight hundred and eighty has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said Antony Scaffidi further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and more particularly to the King of Italy, of whom he is a subject.

(Signed,) ANTONY SCAFFIDI.

Sworn to and subscribed before me at New Orleans this October 10, 1887.

(Signed,) JOHN A. SHINE,  
*Deputy Clerk.*

I, Charles J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of Antonio Scaffidi of record in said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this 17th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*

[Exhibit 4.]

The State of Louisiana, criminal district court for the parish of Orleans:

NEW ORLEANS, *August 20, 1887.*

Personally came and appeared before me, John Manning, deputy clerk of the criminal district court for the parish of Orleans, Antonio Bagnetto, a native of Italy, aged 41 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New Orleans, in the State of Louisiana, on the — day of December, in the year of our Lord one thousand eight hundred and seventy-five, and since has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said Antonio Bagnetto further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate,

state, or sovereignty whatever, and more particularly to the King of Italy, of whom he is a subject.

(Signed,) ANTONIO BAGNETTO.

Sworn to and subscribed before me at New Orleans this August 29, 1887.

(Signed,) JOHN MANNING,  
*Deputy Clerk.*

I, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of Antonio Bagnetto, of record in said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this 17th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*

[Exhibit 5.]

The State of Louisiana, criminal district court for the parish of Orleans:

NEW ORLEANS, — 18, 1886.

Personally came and appeared before me, Jno. Manning, deputy clerk of the criminal district court for the parish of Orleans, James Caruso, a native of Italy, aged 32 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New Orleans, in the State of Louisiana, on the 8th day of March, in the year of our Lord one thousand eight hundred and sixty-seven, and since has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said James Caruso further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and more particularly to King of Italy, of whom he is a subject.

(Signed,) JAMES CARUSO.

Sworn to and subscribed before me at New Orleans this Sept. 18th, 1866.

(Signed,) JOHN MANNING,  
*Deputy Clerk.*

I, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of James Caruso, of record in said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this 17th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*

[Exhibit 6.]

The State of Louisiana, criminal district court for the parish of Orleans :

NEW ORLEANS, *Oct. 3, 1890.*

Personally came and appeared before me, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, Antonnio Marchesi, a native of Italy, aged 46 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New Orleans, in the State of Louisiana, on the — day of November, in the year of our Lord one thousand eight hundred and eighty-eight, and since the year one thousand eight hundred and 88 has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said Antonnio Marchese further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and more particularly to King of Italy, of whom he is a subject.

(Signed,) ANTONINO MARCHESI.

Sworn to and subscribed before me at New Orleans this Oct. 3, 1890.

CHAS. J. REILLY,  
*Deputy Clerk.*

I, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of Antonino Marchesi of record in said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this 17th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*

CUSTOM-HOUSE, COLLECTOR'S OFFICE,  
*New Orleans, La., April 17, 1891.*

*To whom it may concern:*

I hereby certify that it appears by the records of this office that the Italian steamship *Plata* sailed from Palermo, Italy, October 20, 1888, and entered at this port November 19, 1888; that on the passenger list of Italian emigrants on board appears the following, being No. 61 on said passenger list attached to the manifest of said vessel:

"Grimando, Antonino;" age, 46; sex, male; occupation, farmer; the country to which they severally belong, Italy; the country of which they intend to become inhabitants, United States; location, etc., steerage; No. of pieces of baggage, 3.

[SEAL.]

F. Z. EUSHM, (?)  
*Special Deputy Collector.*

The consul of Italy here would like to know if the name of Pietro Monastero appears on the passenger list of the Italian steamer *Plata*, which arrived in January, 1890; also if the name of Marchesi or Grimando appears on the list of passengers arrived on the *Plata* in November, 1888 or 1889.

(Signed,) C. PAPINI,  
*Secretary of Consulate.*

CUSTOM-HOUSE, RECORD ROOM,  
*New Orleans, La., April 17, 1891.*

I hereby certify that the foregoing is a true copy of the application on file in this office.

GEO. G. JOHNSON,  
*Record Clerk.*

CUSTOM-HOUSE, PORT OF NEW ORLEANS, *April 17, 1891.*  
 Approved as correct, etc.

[SEAL.]

F. Z. EUSHM, (?)  
*Special Deputy Collector.*

[Exhibit 7.]

The State of Louisiana, criminal district court for the parish of Orleans:

NEW ORLEANS, *Oct. 13, 1890.*

Personally came and appeared before me, Julius Rosenberg, deputy clerk of the criminal district court for the parish of Orleans, Manuale Polizzi, a native of Italy, aged 29 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New Orleans, in the State of La., on the 25th day of December, in the year of our Lord one

thousand eight hundred and eighty-four, and since the year one thousand eight hundred and eighty-four has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said Manuale Polizzi further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and more particularly to the King of Italy, of whom he is a subject.

(Signed,) EMANUELLE POLIZZI.

Sworn to and subscribed before me at New Orleans this October 13, 1890.

(Signed,) J. ROSENBERG,  
*Deputy Clerk.*

I, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of Emanuel Polizzi of record in said court.

In testimony whereof, I have hereunto set my hand affixed the seal of said court, at the city of New Orleans, this fourth day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.] CHAS. J. REILLY,  
*Deputy Clerk.*

DAN. A. ROSE,  
*Clerk of Court.*

[Exhibit 8.]

CUSTOM-HOUSE, COLLECTOR'S OFFICE,  
*New Orleans, La., April 17, 1891.*

*To whom it may concern :*

This is to certify that Pietro Monastero, aged 41 years, a native of Italy, shoemaker by occupation, arrived at the port of New Orleans as a steerage passenger on the S. S. *Plata*, from Palermo, January 7th, 1890.

[SEAL.] F. Z. EUSHM, (?)  
*Special Deputy Collector.*

*Affidavit of John Journee.*

United States of America, State of Louisiana, ss :

John Journee, of the city of New Orleans, being duly sworn, says that he has known the Roco Gerachi, who was indicted for the murder of David C. Hennessy and subsequently killed at the parish prison on the 14th of

March, 1891, for about 3 years past. He lived on St. Philip street, New Orleans, between Chartres and Decatur streets, First precinct, Fifth ward. He voted in said precinct at the State and city election held April, 1888, to the knowledge of this affiant, but affiant does not know under what name he voted. He was generally known by the name of Roco Gerachi, but most of this class have alias names which they use at times. He could not have voted without producing his registration certificate to the officers of election.

Affiant further says that James Caruso, Frank Romero, and Joseph P. Macheca have been known to him for many years. They always took part in politics and voted at the elections. Macheca was born in the city of New Orleans and has been a delegate to several conventions of the Democratic party; James Caruso has served as a commissioner of elections in his ward, the Fifth; Frank Romero has been a noted character in local politics in this city for years, particularly active in electing delegates at primary meetings. All of these parties belonged to the Italian faction in the ward, and were earnest and active partisans.

JOHN JOURNEE.

Sworn to and subscribed before me this 18th day of April, A. D. 1891.

H. J. CARTER,

*Deputy Clerk, U. S. Circuit Court, Eastern District of Louisiana.*

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*Affidavits of George Provenzano and Joe Provenzano.*

United States of America, State of Louisiana, ss :

Personally appeared before the undersigned authority George Provenzano, who, being sworn, says his business for the last 25 years, until lately, has been that of stevedoring, and that he resides at No. 526 Canal street, in the city of New Orleans.

Affiant further says that he has known Rocco Gerachi, who was killed by the mob in the parish prison March 14, 1891, since his arrival in the State of Louisiana from Palermo, Italy; that he does not know under what name he may have registered as a voter, but affiant knows that he cast his vote in the Sixth ward at the general State election held in April, 1888, and prior to that he voted in the Fifth ward. Affiant knows this, because he himself took him to the polls and saw him deposit his ballot.

Affiant is of the opinion that said Gerachi would not register under his true name, as he was under a charge, in Palermo, for killing a man when he arrived in this country.

He came to this country on the ship *Simento* or *Siamanto*, Captain Viviano, and jumped the ship as soon as she touched the wharf. Affiant does not believe he had a passport, although his knowledge on this point is not certain.

Affiant further says he was well acquainted with James Caruso and Frank Romero, who were also killed March 14, 1891, by the mob, and that he has seen each of them vote in the Fifth ward of the city of New Orleans at various times, and knows that they otherwise took an active part in politics, acting with the Democratic party. Caruso was at one time a commissioner of elections at one of the voting precincts in said ward, and Frank Romero was once a delegate, with affiant, to a convention of the party at Baton Rouge.

Affiant further says that for some years last past he and his brother have been frequently threatened by the Mafia society, which has its headquarters in New Orleans.

(1) On or about the 30th day of July, 1887, affiant received through the mails the annexed typewritten message marked Exhibit A. An Italian had been murdered, and affiant had assisted in his burial. This offended the Mafia, and said message was sent.

(2) Prior to this affiant and his brother had received the letter marked Exhibit B, demanding payment of \$1,000 and threatening to kill affiant and his brother unless the money was brought to a certain place in the rear of the city within 3 days.

(3) Affiant and his brother having failed to comply with the demand, they were warned against further delay by the letter marked Exhibit C, in which they were threatened with the vengeance of the Mafia.

Soon after receiving the above demand for money affiant was informed that some of the persons engaged in said blackmailing scheme were in affiant's employ, engaged in unloading fruit vessels. Acting on this information, affiant discharged from his service Manuel Politz, the same person afterwards tried for murdering Hennessy, and some fifteen others, all of whom affiant believed to have been members of the Mafia society in New Orleans.

(4) A short time before the murder of Hennessy affiant received the letter marked Exhibit D, warning him that the Mafia was putting up a bloody plot to murder affiant and his brother.

Affiant has reason to believe that all the threats and warnings received by him as above detailed came from the Mafia society, which has existed in New Orleans for the last 25 years and upwards, and during which the more prominent and well-to-do members of the Italian colony in this city have been subject to constant blackmailing. None dared refuse these demands until lately, for a refusal to pay the sum assessed almost uniformly brought down the bloody vengeance of the Mafia, and the victims of its extortion dared not complain openly, it having been well understood among the Italian population that the society, by methods of its own, would use violence against anyone who might expose its practices.

Affiant and his friends are the first to have the courage to denounce and expose the illegal practices of the society.

GEO. PROVENZANO.

Sworn to and subscribed before me this 17th day of April, A. D. 1891.

H. J. CARTER,  
*Deputy Clerk.*

Joseph Provenzano, being duly sworn, says that he has carefully read the foregoing affidavit of George Provenzano, and declares that the facts stated therein are true to his own knowledge.

JOE PROVENZANO.

Sworn to and subscribed before me this 24th day of April, A. D. 1891.

H. J. CARTER,  
*Deputy Clerk.*

New Orleans July 30th 1887

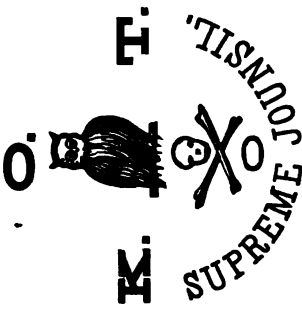
One of your noble Band was killed  
and all of you are going to find the same fate

-----BEWARE-----

One of your gang by the name of

-----AMMATO-----

Must leave this city Do not give him any more work  
or you will get yourself in trouble  
we are still alive look out for



US

K K K -----N-----

Commander

[Exhibit A in affidavit of George Provenzano.]

[Exhibit B in affidavit of George Provenzano.]

New Orleans li  
 21 di Settembre 1886

Diprez 

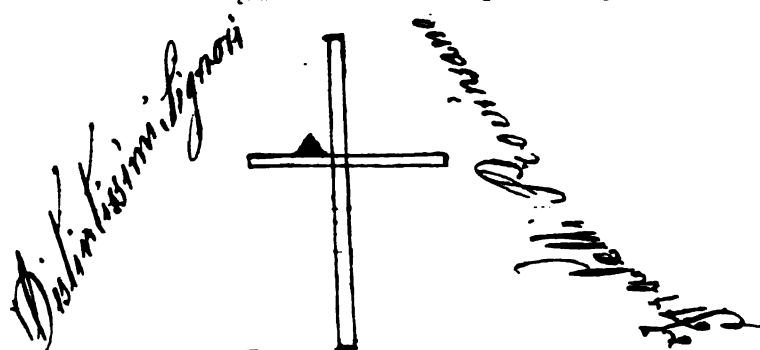
Caro Vincenzo Pratinga  
 e) fratelli ti prego di po-  
 rtare mille scudi \$1000  
 alarco, vecchio) alpart  
 destra dove si laferrovia  
 la) sopra) e) trova i  
 persone chi la aspettano  
 quando gli darò la moneta  
~~che~~ alomo metetici  
 uno faccioletto Bianco sulla  
 testa esosi) sicaneosci) lomo  
 che porta la moneta) arto  
 Tugiora cetero) redor  
 Capo di Tugiora non mada  
 di questa moneta la prima  
 sianza che) atemo vici capi  
 itamo la testa arto) oppure i  
 vestre fratelli) e) e) e)

[Translation.]

NEW ORLEANS, *September 24, 1886.*

DEAR VINCENT PROVENZANO AND BROTHER: I beg you to bring one thousand dollars (\$1,000) to the old arch on the right side where the railroad is (it stops there), and meet the persons who will expect you there, and when you give the money to the man put a white handkerchief on your head, and thus the bearer of the money will be known. You have 3 days' time. If you do not send this money at the expiration of 3 days, we will cut off your head and also that of your brother the first chance we get. Farewell.

[Exhibit C in affidavit of George Provenzano.]



Stevu Orleans

A voi Signori Provensano,  
vi sveglieremo dal profondo sonno, ove  
rammentarvi per l'affaruccio che voi  
protestastivo alla Giustizia, non che'  
alla mafia, stappaghiara.

Obbligativi a fare presto, se non vole  
te esporre la vita per la vostra infamia

Dal profondo sonno con la medesima  
vi sveglierete e rammentarvi a non hai  
documentarvi per la seconda volta.

Vi aggiungeremo alla vostra  
infamia

Col tempo - Col tempo -  
La Ditta

*[Signature]*

[Translation.]

PROVENZANO BROTHERS,  
*New Orleans,*

DISTINGUISHED SIR: We will wake you, Messrs. Provenzano, out of your deep sleep, so as to remind you of the little matter concerning which you gave information to the authorities, not to mention the murderous Mafia. Hurry and do this if you do not wish to expose your life on account of your infamy.

We will awaken you from your deep sleep, and will make you remember not to go to sleep again.

We will add you to your infamy.

In time, in time.

Your life.

Q † † †

[Exhibit D in affidavit of George Provenzano.]

Signori Crispino, o Vincenzo

Provenzano,  
 Vi avverto segretamente che i stoppaglieri  
 stanno concertando e preparando un gran  
 disumano colpo sanguinoso a danno di voi altri  
 e partito e un di agente che loro sospettano  
 come nostri partigiani. Lui concertano anco  
 ra d'infamare e calunniare a persone che  
 sono innocenti come lo sono questi che in tuo  
 rano in carcere, perciò resta per vostra  
 intelligenza a protestarvi con l'autorità  
 contro di essi stoppaglieri per reprimere le vi  
 li trame che loro anno per tessere contro  
 di tanti onesti cittadini e buon padri di  
 famiglia

Addio e miglior tempo a  
 conosceremo

[Translation.]

Messrs. CRISPINO OR VINCENT PROVENZANO: I warn you privately that the assassins are preparing to strike a great and bloody blow to the injury of you and your party, and to that of the agents whom they suspect of being your partisans. They are, moreover, preparing to discredit and calumniate persons who are innocent, such as those who are in prison. It therefore remains for you to complain to the authorities of these assassins, thereby frustrating the vile plots which they are about to weave against so many upright citizens and worthy fathers of families.

Farewell. At a more favorable time we shall know each other.

*Affidavit of Antonio Patorno.*

United States of America, State of Louisiana, ss :

Antonio Patorno, being duly sworn, says that he was born in the city of New Orleans, of Italian parentage, and has lived in said city all his life, and is generally well acquainted with the Italian colony.

He has known Antonio Scaffidi about 7 years. He was a vegetable dealer in Poydras market; had a wife and two children, and this affiant never knew of his being in trouble before his indictment in the Hennessy case. He came from Palermo, Italy, and was a naturalized citizen of Louisiana, and, as such, voted in the Third ward.

Antonio Bagnetto kept a fruit and vegetable stand in Poydras market for about 4 years. He came from Palermo, was a naturalized citizen of the State of Louisiana, and voted in the Third ward. He was never, to affiant's knowledge, in any trouble until charged with the murder of Hennessy.

Personally affiant did not know Manuel Politz, who resided in the Third ward. He came from the province of Palermo and was a laborer by occupation. Affiant heard that he had cut a man in Texas before he came to New Orleans. He was a naturalized citizen and a voter. His true name was Polizzi, which is pronounced "Politzi" in English. Of this affiant has simply common knowledge from general repute.

Roco Gerracchi, alias Francisco Gerracchi, came from Palermo; had a wife and five children. He was a naturalized citizen of Louisiana, married in New Orleans, and voted in the Sixth ward.

James Caruso came from Palermo; had a wife, but no children; and was a naturalized citizen of Louisiana and voted in the Fifth ward. He and Gerracchi were partners, and worked as laborers discharging fruit vessels.

Loretto Comitiz resided in the Third ward. He came from the province of Naples; was a tinsmith; married an Irish woman in New Orleans, who survives him. Affiant does not know whether he voted or not or was naturalized.

A. PATORNO.

Sworn to and subscribed before me this 20th day of April, 1891.

E. R. HUNT,  
*United States Commissioner.*

*Affidavit of H. R. Ducastaing.*

United States of America, State of Louisiana, ss :

Personally appeared before me, the undersigned authority, H. R. Ducastaing, who, being duly sworn, declares that he lives at No. 102 St. Ann street, in the city of New Orleans, in the Fifth ward; that he is 33 years old, and was born in said city, and is a clerk in the assessor's office in the city hall.

Affiant further says that he has known Joseph P. Macheca for more than 10 years, who is generally known to be a native-born citizen of the State of Louisiana; that said Macheca had, prior to his decease, taken an active part in politics in the Fifth ward while he resided there, belonging to one of the political factions in said ward. To the best of my belief he voted at all elections.

Affiant further says that he knew James Caruso for 3 or 4 years before he was killed in this city as an active participant in local politics, affiant having seen him at the polls at the First precinct, Fifth ward, on the day of the State and city elections in April, 1888. At this time affiant was commissioner at said polling precinct, and, while he has not the poll books before him and can not say whether he actually voted, he recollects he was there electioneering and had a dispute with L. Bamey, then United States appraiser at this port.

H. R. DUCASTAING.

Sworn to and subscribed before me this 16th April, 1891.

K. SNOW,

*United States Commissioner.*

Attest: P. LOOBY.

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*Affidavit of Paul Ducastaing.*

United States of America, State of Louisiana, ss:

Personally appeared before the undersigned authority Paul Ducastaing, who, being duly sworn, says that he knew James Caruso about 6 years. He resided on Chartres street, in the city of New Orleans, near St. Philip street, Fifth ward. During the time I knew him he belonged to what is known as the Patorno faction of the Democratic party in said ward, and took an active part in local issues. His brother John was also an active partisan of said faction, and James used to go to the polls and bring voters in carriages and vote them. The Patorno faction above referred to was composed of Italians and opposed to the Journee faction, and both were active members of the local Democracy. The majority of the voters of Italian descent belonged to the Patorno faction, and they generally cast a pretty full vote.

PAUL DUCASTAING.

Sworn and subscribed to before me April 16, 1891.

[SEAL.]

H. J. CARTER,

*Deputy Clerk.*

Attest: P. LOOBY.

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*Affidavits of Dan. Douglass and Mike Early.*

State of Louisiana, parish of Orleans, city of New Orleans:

Before me, Richard Henry Downing, a notary public in and for the parish and State aforesaid, personally came and appeared Messrs. Dan.

Douglass and Mike Early, citizens of this parish, domiciled in the Seventh ward of this city, who, being duly sworn, depose and say they were personally acquainted with Rocco Gerachi, alias Francisco Gerachi, who was killed at the parish prison in this city on the 14th of March, 1891, by the uprising of the people; that he was an American citizen, and to their personal knowledge, he voted at the election held in the Sixth ward for delegates to select a governor at the polling place for delegates in the Sixth ward of New Orleans in the early part of the year 1888, and that he also voted at the general election held in this city on the 17th of April, 1888, for State and city officers at poll 1, Sixth ward of this city, and, to the best of their knowledge and belief, he was a member of the political club known as the "Italian-American Democratic Association of the Second District of New Orleans," and took an active and prominent part in the political affairs of this city.

DAN. DOUGLASS.

M. EARLY.

Sworn to and subscribed before me this 13th of April, 1891.

[SEAL.]

R. H. DOWNING,

*Notary Public.*

[Indorsement.]

OFFICE SUPERINTENDENT OF POLICE,

*April 14, 1891.*

Deposition of Dan. Douglass and Mike Early, relative to the citizenship of an Italian, Rocco Gerrachi, alias Francisco Gerrachi.

Respectfully forwarded to His Honor the mayor.

D. F. GASTER,

*Superintendent of Police.*

[Exhibit 10.]

United States of America, State of Louisiana, civil district court for parish of Orleans:

I, E. A. Luminais, clerk of the civil district court for the parish of Orleans, do hereby certify that at a session of the late fourth district court, holden in the city of New Orleans, on Monday the 6th day of April, in the year of our Lord one thousand eight hundred and sixty-eight, among others, the following entry was made on the minutes of said court: Present the Honorable Paul E. Theard, Judge. This day personally came and appeared in open court, Frank Romeo, a native of Italy, and having proved, to the satisfaction of the court, that he arrived in the United States in the year of our Lord one thousand eight hundred and fifty-nine, being then a minor, under 18 years of age; and it also being proven to the satisfaction of the court, on the oaths of H. Percival and O. Blarco, citizens of the United States, that



| Date of registry.      | Number of certificate. | Name.                   | Age. | Color.  | Signature.                                                                                                                                                                                                                                                                                                                          |
|------------------------|------------------------|-------------------------|------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        |                        |                         |      |         | <p>or, or affirm, that, by the next election in at least 21 years of naturalized, or declared some a citizen of the (case may be), and jurisdiction thereof, holding of the next been a resident of 1 year, and of this months, and of the claim to be registered, and I am not causes mentioned in constitution of this State.</p> |
| October 12, 1872.....  | 599                    | Charles Matranga.....   | 25   | White.. | Matranga.                                                                                                                                                                                                                                                                                                                           |
| October 18, 1881.....  | 1026                   | Charles Pietzo.....     | 30   | do..... | Pietzo.                                                                                                                                                                                                                                                                                                                             |
| September 3, 1886..... | 972                    | John Caruso.....        | 29   | do..... | Caruso.                                                                                                                                                                                                                                                                                                                             |
| September 18, 1886...  | 894                    | James Caruso.....       | 32   | do..... | Caruso.                                                                                                                                                                                                                                                                                                                             |
| October 3, 1887.....   | 785                    | Francisco Gerracchi.... | 28   | do..... | his<br>X Gerracchi.<br>mark.                                                                                                                                                                                                                                                                                                        |
| December 26, 1887...   | 926                    | Antonio Bagnetto.....   | 41   | do..... | Bagnetto.<br>his                                                                                                                                                                                                                                                                                                                    |
| April 3, 1888.....     | 1642                   | Frank Romero.....       | 42   | do..... | X Romero.<br>mark.                                                                                                                                                                                                                                                                                                                  |
| October 6, 1888.....   | 1462                   | Joseph P. Macheca.....  | 45   | do..... | Macheca.                                                                                                                                                                                                                                                                                                                            |
| May 16, 1889.....      | 1696                   | Charles Patorno.....    | 30   | do..... | Patorno.                                                                                                                                                                                                                                                                                                                            |
| October 13, 1890.....  | 1738                   | Manuale Polizzi.....    | 22   | do..... | Manuale Polizzi.                                                                                                                                                                                                                                                                                                                    |
| October 3, 1890.....   | 1355                   | Antonio Marchese.....   | 46   | do..... | Marchese.                                                                                                                                                                                                                                                                                                                           |
| October 3, 1890.....   | 1231                   | Antonio Scaffidi.....   | 24   | do..... | Scaffidi.                                                                                                                                                                                                                                                                                                                           |

1891.

I hereby certify the above to be a true and correct copy.  
In testimony whereof, witness my hand and seal.

LYNN,  
of Orleans.

the said F. Romeo has resided within the limits and under the jurisdiction of the United States for upwards of 5 years immediately preceding the date of this application, and within the limits of the State of Louisiana, where this court is now holden, for more than 1 year, and that he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and that it was bona fide his intention, 3 years previous to the present period, to become a citizen of the United States, the said F. Romeo having taken the oath required by the first section of an act of Congress entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," and by the first section of an act of Congress entitled "An act in further addition to an act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."

The court thereupon orders that the same be entered on record, and that the said F. Romeo be admitted a citizen of the United States.

A true copy.

[SEAL.]

E. A. LUMINAIS,

Clerk.

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*List of assassinations, murders, and affrays committed by Sicilians and Italians in the city of New Orleans, State of Louisiana, during the time extending from August, 1866, to the present date, inclusive.*

NEW ORLEANS, April 1, 1891.

(1) Louis Carmoli, shot and killed on Front levee by Pietro Marichini, alias Orsini, on the night of August 27, 1866. Escaped from the city.

(2) Vincente Samsoni, stabbed and killed by the three brothers Vincente, Antonio, and Pascal Grego on December 29, 1866. All the parties were arrested and tried in the criminal district court on the charge of manslaughter. Antonio Grego was discharged, Vincente Grego found guilty and sentenced to 15 years' hard labor in Louisiana State penitentiary. Pascal Grego obtained a new trial and was released on a \$1,000 bond. The case was never again brought to trial; evidence very conflicting and unreliable.

(3) Edward Hevron, stabbed and mortally wounded by two unknown Italians at the corner of Spain and Victory streets on the night of September 21, 1866; subsequently died from wounds; could not recognize his assailants, but they spoke Italian.

(4) Bernard McNeely, shot and killed by Giovanni Batella on January 21, 1867. Locality and time of killing not known. The only record is the inquest of the coroner's jury.

(5) Erastus Wells, commissary of the Poydras market, was shot and killed by Salvatore Rosa, assisted by his son Christovat Rosa, at or near No. 185 Delord street on September 3, 1867. Tried in the criminal district

court on February 12, 1868. Verdict of jury, "not guilty," owing to absence of State witnesses and other required evidence.

(6) Gaspar Auponsa, found dead on Decatur street from knife wounds inflicted by unknown parties on the night of November 14, 1867. The only record of this murder is to be found in the official verdict of the coroner's jury.

(7) Paul Pivorelli, stabbed and killed by Christopher Vallata at the corner of Claiborne and St. Peter streets on November 29, 1867. Tried and found guilty of manslaughter in the criminal district court on May 5, 1868, and sentenced to 7 years' hard labor in Louisiana State penitentiary.

(8) S. Hodges, shot and killed by an unknown Sicilian near the Treme market on the night of December 19, 1867. No arrest made; inquest held by coroner.

(9) Bartholomew Fecla, shot and killed by P. Navarito at No. 20 Ursulines street on September 13, 1868. Tried and convicted in the criminal district court on February 20, 1869, for manslaughter, and sentenced to the Louisiana penitentiary for 5 years at hard labor.

(10) The body of an unknown Italian, found floating in the Mississippi River at the head of the Convent Pasturage below the city on October 10, 1868. The autopsy of the coroner shows that he had been foully murdered, and then the body thrown into the river. No arrest.

(11) The body of Edward Jones, found shot and dead near the Treme Market on the night of October 25, 1868. He was last seen in the company of two unknown Sicilians. No arrest.

(12) The body of an unknown Sicilian was found on Liberty street badly stabbed in the back on October 25, 1868; autopsy held at First Precinct Station. No arrest.

(13) Loterio Barba, found shot and dead on Decatur street on October 27, 1868; autopsy held by coroner. No arrest.

(14) Corsimano Gilormo, shot and killed by Salvatore Poglisi near the Treme market on the evening of November 3, 1868. No arrest.

(15) Salvatore Poglisi, shot and killed by an unknown Sicilian on the night of November 3, 1868. Poglisi was killed soon after he killed Gilormo. The autopsies were held at the same time, and no evidence in either case could be obtained. No arrest.

(16) Adella Lavilla, stabbed and killed by Callatena Esterano on the night of November 8, 1868. No arrest, as murderer escaped.

(17) Michela Brandeo, shot and killed by an unknown Sicilian on Hospital street on the night of December 7, 1868. No arrest, as no positive evidence could be obtained.

(18) Raphael Annelo, shot and killed by an unknown Sicilian on Levee street, between St. Louis and Toulouse streets, on the night of April 1, 1869; autopsy held by coroner, but the name of the slayer could not be discovered, although there were witnesses.

(19) Herman Hecompt, shot and killed at No. 248 Rampart street by L. Catainio and L. Meico on January 1, 1869. Parties escaped and no arrests made.

(20) August Rosa stabbed and killed by some Sicilians in an old house at the new lake on March 14, 1869; autopsy held by coroner, but no witnesses or information as to the murder could be obtained. No arrests.

(21) Dan. C. Clarke, stabbed and killed at 126 South street by Cassa Bianca and Pedro Attaba on March 25, 1869. These parties escaped from the city.

(22) A. Ambrosio, shot and killed by Vicento Bayona on May 20, 1869; inquest held at Third Precinct Station. Bayona arrested and sent before criminal district court on charge of murder; case nol-prossed on March 11, 1870, owing to the continued absence of witnesses and want of necessary evidence.

(23) T. Banano and V. Alluchi, shot and killed by Salvatore Rosa on Barracks street on July 23, 1869. Rosa arrested and sent before criminal district court on the charge of murder. For the want of witnesses and other material evidence, a nolle prosequi was entered on July 19, 1870.

(24) Gustave Afferandre, police officer, was stabbed and killed by Leo. Dena, Salvatore Oneilo, and Antonio Bazile on Decatur street, between Dumaine and St. Philip streets, on December 27, 1869. All the parties named were arrested, and, on examination before the recorder of second district, were released for want of evidence.

(25) Louis Dubois, shot and killed on the Common street shell road, opposite to the Marine Hospital, on February 24, 1870. No one could identify the Sicilian who was with him.

(26) Rosario Demochili, shot and killed by Vincente Simondillio on March 11, 1870; Simondillio arrested, tried, and convicted of manslaughter in criminal district court on December 10, 1870; sentenced to 5 years' hard labor in Louisiana penitentiary.

(27) The dead body of Antonio Francisco, with several knife wounds in the back, was found floating in the Mississippi River below Algiers, La., October 26, 1871; inquest held by coroner. No clue.

(28) Ramon Bonani died in Charity Hospital on January 29, 1872, from contused wounds on the head, said to have been inflicted by some unknown Sicilian. Bonani was unconscious when brought to the hospital, and died in that condition; inquest held by coroner. No clue.

(29) Jose Calbino, stabbed and killed by Guillema Lizardo and Manuel Vasques on Burgundy street on February 10, 1872. Parties arrested; both indicted by grand jury for manslaughter May 1, 1872; placed under bonds; case never tried, as the witnesses could never be found.

(30) An unknown Italian, found stabbed and dead on the bank of the new canal, between the White and Black bridges, on April 9, 1872. No clue or arrest.

(31) M. Murphy died insensibly at No. 12 Ferdinand street, Third district, from injuries received on the night of July 21, 1872, from the hands of an unknown Italian. No witnesses or evidence could be obtained in this case.

(32) Thomas Burke, shot and killed by Roberto Desposito at 3 a. m. on the corner of Basin and Common streets on March 28, 1873. Desposito arrested, but the witnesses pleaded ignorance of all the facts, and the grand jury returned "not a true bill," for want of evidence.

(33) Nelson Wallace, stabbed and killed by an unknown Sicilian about 4 a. m. on May 7, 1873, at the corner of Poydras and Basin streets. The murderer escaped, and no witnesses were found who could or would identify the Sicilian.

(34) Augustus Gusiane, shot and killed by Carlos Tasseo on April 17, 1873, about 3 a. m., at the corner of Lapeyrouse and Galvez streets. Tasseo was arrested; but no evidence whatever could be obtained against him, and he was discharged by the recorder.

(35) A. Navarreano, stabbed and killed by Alfred Capla on the night of July 9, 1873, on Ursulines street, near Burgundy street. Capla escaped from the city.

(36) Deigo Cantino, shot and killed by Sam Barretti on St. Louis street, between Roman and Prieur streets, on the night of June 1, 1873. Barretti arrested; but no witnesses or evidence could be obtained against him, and he was discharged.

(37) Joseph Lementa, shot and killed by an unknown Sicilian on the night of July 19, 1873, while walking on the Gentilly road near the old race course. He was seen talking with the Sicilian a few minutes before he was killed. No arrest.

(38) Gouliano Carona, shot and killed by an unknown Italian on the levee, near the head of Julia street, about 1 a. m. on December 24, 1873. Inquest held by coroner, but no positive evidence obtained.

(39) David Kelly, shot and killed by Raphael Serpraso at 267 Old Levee street about 2 a. m. on December 25, 1873. Serpraso arrested; but the witnesses would give no testimony against him, and he was discharged.

(40) The body of an unknown Sicilian, found shot to death in the woods 3 miles back of the Mississippi River and one-fourth of a mile on the left side of the Verret Canal on January 4, 1874. Inquest held by coroner. No clue whatever.

(41) Joseph Sansoni, shot and killed by Joseph Florda on January 5, 1874, on Decatur street, between Ursulines and St. Philip streets. Florda arrested and tried before criminal district court on January 19, 1874, on charge of murder. Owing to the absence of witnesses and unreliability of the testimony, he was acquitted.

(42) Guiseppa Calabro, shot and killed by an unknown Italian on the night of July 12, 1874, on St. Philip street, between Royal and Chartres streets. No evidence could be obtained, and hence no arrest.

(43) Lusca Giacona, shot and killed by A. Ambravovich on October 10, 1874, on Dumaine near Old Levee. Ambravovich arrested, but discharged by recorder for want of evidence against him.

(44) Pedro Gorges, shot and killed at No. 106 St. Philip street on the night of October 23, 1874, by some unknown Sicilian. No witnesses or testimony could be obtained. No arrest.

(45) The decomposed body of Cotone Nicolo, with knife wounds in body, was found in the woods of the Verret Canal on the evening of November 21, 1874. No clue whatever.

(46) Salvador Ciaccia, shot and killed by Matteo Jerrassio at No. 235 Decatur street on December 16, 1874. Jerrassio escaped from the city. No witnesses.

(47) The dead body of Miguel Monico, killed by some unknown person, was brought to the Third Precinct Station on February 10, 1875. Inquest held, but no witnesses could be found.

(48) The dead body of an unknown Sicilian, badly stabbed, was found floating in the Mississippi River, near the Sedwick hospital, on January 21, 1875. Coroner's inquest showed that he had been stabbed to death and the body drawn to, and thrown into, the river. No clue.

(49) The dead body of an unknown Sicilian, with several stabs in it, was found near the reservoir of the city waterworks on September 23, 1875. Coroner's inquest held, but no information obtained.

(50) Bernard Ditto was shot and killed by Frank Ramelo and Nine-fingered Frank in front of the Quitman Exchange, corner of North Peters and Ursulines streets, on September 20, 1875. Frank was arrested and indicted for murder. On trial of case before criminal district court, he was acquitted, owing to the important witnesses having left the city and the testimony of others entirely in his favor.

(51) Henry Wagner, shot and killed by an unknown Italian at the corner of Broad and Havana streets, Third district, on April 8, 1876. The Italian was not recognized and escaped.

(52) Andreo Bonetto, shot and killed by Joseph Battala in the house No. 29 Hospital street on June 4, 1876. Battala arrested, but was discharged by recorder for want of evidence against him.

(53) Juan Carcobi, shot and killed by an unknown Sicilian at No. 22 Ursulines street on the night of October 4, 1876. Murderer escaped. No one would give any testimony.

(54) The body of an unknown Italian found stabbed to death in the grass on the side of the new shell road, at the head of Borgenois street, on September 8, 1876. Coroner's inquest held. No information.

(55) Severmiode la Barra, died, from poison administered by unknown, at No. 113 Dauphine street on April 19, 1877. Suspensions attached to two Sicilians, but the evidence so conflicting and unreliable as not to warrant arrest.

(56) Francisco Calea was killed with an ax by Antonio Borgia at No. 87 Hospital street on August 24, 1877. Borgia escaped from the city.

(57) The body of an unknown Italian found stabbed and dead on the Peoples' Canal, near Gentilly road, Third district, on February 10, 1879. No clue.

(58) Joseph Malfitano, found shot and dead on Paris avenue, Third district, on March 3, 1879. At the coroner's inquest it was determined that Malfitano had been the victim of a vendetta. No arrest.

(59) Tony Mango was stabbed and dangerously wounded by Natar Bonfoni on November 29, 1880, at the corner of St. Claud and St. Peter streets. Bonfoni escaped at the time, but was afterwards arrested. In a few days after this Mango left the city, and on the trial before the recorder he (Bonfoni) was discharged. No evidence.

(60) Natar Bonfoni, on the day of February 3, 1881, began drinking heavily with other Italians; at night he went to his house on Orleans street, between Villere and Robertson, where he was suddenly taken ill and shortly died. The coroner's autopsy of the body showed that he had been poisoned, and such was the verdict. Tony Mango was arrested, tried, and discharged. No evidence.

(61) Cassimino Labuzzo, shot and killed on July 15, 1881, at the corner of Exchange alley and Bienville street by G. Ardotto, Vincent Vasso, and Paul Brocolare; S. Samorini, accessory. All the parties were arrested; Samorini discharged on the examination before the recorder. The balance indicted for murder August 18, 1881; tried before criminal district court September 29, 1881; Ardotto found guilty without capital punishment; Vasso found "not guilty." Ardotto obtained a new trial, and the case nolle prossed on May 10, 1882; want of evidence.

(62) Francisco Manno, while asleep in his bed at No. 39 St. Ann street on the night of April 20, 1872, was murdered by Antonio Morales; arrested and discharged by recorder for want of evidence.

(63) Marianno Sparicio was fired upon on the night of September 1, 1882, from a gallery at the corner of Chartres and Dumaine streets by Francisco Corso. Corso arrested, and, on examination before Judge Ford, was discharged for want of evidence on September 8, 1882.

(64) An Italian shoemaker named Pedro Defino, living on Treme street, between Dumaine and St. Philip streets, murdered his wife with a razor on November 5, 1882; he then went to the house of Mrs. Ellen McCarthy, No. 185 North Rampart street, and attempted to cut her throat. With the assistance of unknown friends he escaped from the city.

(65) Michello Suigguza, while in his room at No. 99 Bienville street on the night of March 2, 1883, was shot and severely wounded by Augustino Spatafaro and Carlo Corteso. Both parties arrested, but then released by recorder, as Suigguza refused to prosecute and no evidence could be had.

(66) Salvador Fazio, stabbed and killed in the French market on April 11, 1883, by G. Vontanio. Murderer escaped from the city.

(67) Joseph Boniato, shot and wounded by Pedro Cardinali on July 26, 1883, at the corner of Decatur and St. Philip streets. Party arrested and then discharged by Recorder Ford on August 18, 1883, for want of evidence.

(68) Henry Patterson, shot and killed by two unknown Italians on the night of October 3, 1883, on Elysian Fields, opposite to the bone factory; no clue except as to nationality of murderers. No arrest.

(69) Pedro Escaro and Joseph Bilboa, killed by A. Silverio on steamship *Humacoa* on December 24, 1883. Silverio arrested, but no evidence could be obtained.

(70) Antonio Bassa, shot and killed by Phillipi Catolone on March 21, 1884, on Robertson street, near Carondelet Walk. Catolone escaped from city.

(71) Pedro Matchi, shot and killed by Antonio Triggo on April 1, 1884, on Peters street, between Ursulines and Hospital streets. Triggo arrested, but afterwards discharged for want of evidence.

(72) The body of Paul Vitrano, found stabbed to death on North Peter street on the night of October 31, 1884. No clue or information obtained.

(73) The dead body of Juan Martini, found stabbed and killed on Barracks street on the night of June 14, 1885. Inquest held by coroner, but no information obtained.

(74) An unknown Italian, stabbed and killed by Tony Triggo on April 1, 1885, on North Peters, near Hospital. Triggo arrested; indicted and tried for murder; acquitted for want of evidence.

(75) Frank Carsini shot and badly wounded by Juan Lascola on July 19, 1885, on Chartres street, between Dumaine and St. Philip streets. Lascola arrested, and on examination was discharged by Judge Burthe July 29, 1885, for want of evidence.

(76) In a street fight between several Italians on the night of December 12, 1886, Vincent Raffo was shot and soon after died. Roca Geracia was arrested and charged with the killing. Case brought before the grand jury, who returned "not a true bill."

(77) Jean Tamora, shot and killed by Dominica Tribiga on January 18, 1887, at corner of Broad and Frenchmen streets. Tribiga arrested; indicted and tried on charge of manslaughter May 18, 1887; acquitted by jury. No evidence.

(78) Dominico Astero, badly stabbed by Giovanni Barbario at No. 24 Barracks street February, 1887. Barbario escaped from the city.

(79) Antonio Ferara, found shot and dead in a vacant lot bounded by Salcedo, Calliope, Gayoso, and Euphoisine streets on March 27, 1887. The verdict of the coroner's jury shows that he was murdered. No clue obtained.

(80) Rosario Scrima, stabbed by Giacomo Foresterio on the night of July 29, 1887, at 233 Decatur street. Foresterio arrested; indicted and tried in criminal district court on charge of manslaughter; found guilty and sentenced to 8 years' hard labor in Louisiana penitentiary February 25, 1888.

(81) Antonio Bonano was found shot and killed on the night of January 5, 1888, on St. Philip street, between Chartres and Decatur streets. No information could be obtained.

(82) The body of Vincencio Ultonino was found stabbed and dead on January 19, 1889, in the marsh on the left of the new shell road, near the

tollgate. Antonio Dema and Antoni Corso were arrested and charged with the murder; but they were never tried, as no evidence could be obtained against them.

(83) Guiseppi Mattaino was killed and portions of his body partially burned by Carlo Terese and Mrs. Mattaino at the house corner of Bienville and Derbigny streets on February 25, 1889. Terese escaped, but Mrs. Mattaino was indicted for murder; tried in the criminal district court June 25, 1889, and acquitted. No evidence.

(84) Pietro Vittrani died in the Charity Hospital March 9, 1889, from the effects of gunshot wounds inflicted by three Sicilians, whom Vittrani did not know. No clue.

(85) Manuel Mangeloa, shot and killed on the night of June 30, 1889, by unknown Sicilians while asleep in his house on the Gentilly road, near Aubry street. Two men were seen lurking around the house during the evening, but no one knew or could recognize them.

(86) Carlo Cortese, while standing in front of his house at No. 307 Decatur street at about 11 p. m. on July 15, 1889, was shot and severely wounded by an unknown Sicilian. No clue or information could be obtained.

(87) In a street fight on St. Philip street, between Decatur and Chartres streets, on the night of September 2, 1889, between Jim Caruso and Joe Provenzano, assisted by eight Sicilians, one Thomas Baylo was wounded. All parties were arrested and discharged by Recorder Dreux September 30, 1889, for want of evidence.

(88) Ed. Brown stabbed and killed by Dago Billy Poker on September 16, 1889, at the Third district ferry landing. Poker escaped from the city.

(89) Camillo Vittrano, while playing cards with four Sicilians in the house of Juan Matto, No. 12 St. Philip street, at 9 p. m. on June 17, 1890, was shot and killed by some unknown party from an alleyway. All were arrested and, upon an examination before Recorder Dreux on July 5, 1890, were discharged for want of evidence.

(90) Ben Motano died in the Charity Hospital on September 25, 1890, from gunshot wounds received from the hands of some Italians unknown to him. No clue.

(91) D. C. Hennessy, superintendent of police, assassinated by a band of Sicilians at 11 p. m. on October 15, 1890, on Girod street, near corner of Basin street. The result of this murder is well known.

(92) Raphael Anello was killed by an Italian strongly resembling G. Ardotto on Decatur street, between Toulouse and St. Louis streets, on April 1, 1869. Frank Scarrare chased the murderer into the store of Norman & Reese on Decatur street and shot him in the leg. G. Ardotto was arrested and charged with the killing of Anello. Joseph Anello, the brother of the deceased, swore on the stand that G. Ardotto did kill his brother, but the accused on trial was not G. Ardotto.

(93) A. Sansoni was killed at the corner of St. Philip and Old Levee streets in 1870. G. Ardotto was arrested and charged with the murder, but, owing to want of evidence, was discharged.

(94) Rocha Gerachi, also known as Francisco Gerachi, lived at 336 Decatur street from 1884 until the beginning of 1888. He voted in the First precinct of the Sixth ward in 1888; he then moved on Frenchmen street, the second door from Royal. He was a member of the Italian Nicholls club of 1888, and was known as Rocha or Francisco Gerachi. In 1887 or 1888 he had charge of the poll on Dauphine street, between Hospital and Ursulines streets. About January, 1888, A. Bonano was killed (see No. 81), and it was generally believed that Gerachi committed the murder, as he and Bonano were in opposing political factions.

The foregoing list of assassinations, murders, and affrays committed by Sicilians and Italians in New Orleans during the time from August, 1866, to the present date (April 1, 1891) has been made up under my supervision and direction, in obedience to the mayor's order, and is now respectfully submitted for his information.

APRIL 13, 1891.

D. F. GASTER,  
*Superintendent of Police.*

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*Consul Corte to Mr. Grant.*

No. 143.]

ROYAL CONSULATE OF ITALY,  
*New Orleans, April 22, 1891.*

HONORABLE SIR: In reference to my interview with you last Monday, I beg to state that, according to an examination of the passports, to information received from our minister of foreign affairs, and to the testimony of the survivors and of relatives and friends of the victims, it appears without doubt that the persons killed were the following: Antonino Abbagnato (Antonio Bagnetto), Vincenzo Traina (Charles Traina), Antonio Grimaudo (Antonino Marchese), Gerolamo Caruso (James Caruso), Emanuele Polizzi (Manuel Politz), Antonino Scaffidi (Antonio Scaffidi), Rocco Geraci, Loreto Comitìs, Pietro Monastero, Francesco Romeo (Frank Romeo).

The proving on this occasion, also, the nationality of the deceased persons, and that of those who were robbed of their savings, maltreated, and confined in prison for about 6 months, and then acquitted or released on bail, is, I deem, necessary; therefore, according to the records in the registration office, and to the above-named documents, which I have and are at your disposal, there is no doubt that at the time of their death Pietro Monastero, Loreto Comitìs, and Vincenzo Traina were subjects of His Majesty the King of Italy, as also Antonio Grimaudo, who arrived here from Italy in November, 1888, although, it is asserted, without proofs, that he manifested his intention October 3, 1890, to become a citizen of the United States under the name of Antonino Marchese.

All the others killed, excepting Macheca and Frank Romeo, the first an American by birth and the second by virtue of a decree signed by Judge

Theard, dated April 6, 1868, I must consider Italians, either for they not having complied with the formalities required by an article of the Italian civil code to renounce their citizenship, or for not complying with those of section 2165 of the Revised Statutes of the United States, only legal way to become an American citizen.

If article 185 of the constitution of Louisiana of 1879 accords to aliens manifesting their intention to become American citizens the right to vote at certain elections and under stated conditions, it does not, according to the terms of the document given the voters, make them American citizens.

Independently of these considerations, I will prove, if necessary, that the names of several of these Italians are considerably altered; that the registration papers of some appear to have been signed by them, when they do not know how to write, and in other papers there are irregularities which destroy their value.

Of the persons acquitted or released under bail who were, as I said, maltreated and imprisoned for 6 months, with the exception of C. Patorno, Charles Matranga, John Caruso, all are Italians, having, the most of them, their passports in due order.

I am yours respectfully,

P. CORTE.

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[No. 45.]

*Marquis Rudini to Marquis Imperiali.*

[Telegram.—Date not given, but published in the newspapers of May 4, 1891.]

I have now before me a note addressed to you by Secretary Blaine April 14. Its perusal produces a most painful impression upon me. I will not stop to lay stress upon the lack of conformity with diplomatic usages displayed in making use, as Mr. Blaine did not hesitate to do, of a portion of a telegram of mine communicated to him in strict confidence, in order to get rid of a question clearly defined in our official documents, which alone possess a diplomatic value. Nor will I stop to point out the reference in this telegram of mine of March 24 that the words "punishment of the guilty" in the brevity of telegraphic language actually signified only that prosecution ought to be commenced, in order that the individuals recognized as guilty should not escape punishment.

Far above all astute arguments remains the fact that henceforth the Federal Government declares itself conscious of

what we have constantly asked, and yet it does not grant our legitimate demands.

Mr. Blaine is right when he makes the payment of indemnity to the families of the victims dependent upon proof of the violation of the treaty ; but we shrink from thinking that he considers that the fact of such violation still needs proof. Italian subjects acquitted by American juries were massacred in prisons of the State without measures being taken to defend them.

What other proof does the Federal Government expect of a violation of a treaty wherein constant protection and security of subjects of the contracting parties is expressly stipulated?

We have placed on evidence that we have never asked anything else but the opening of regular proceedings. In regard to this, Baron Fava's first note, dated March 15, contained even the formula of the telegram addressed on the same day by Mr. Blaine, under the order of President Harrison, to the governor of Louisiana. Now, however, in the note of April 14 Mr. Blaine is silent on the subject which is, for us, the main point of controversy.

We are under the sad necessity of concluding that what to every other government would be the accomplishment of simple duty is impossible to the Federal Government. It is time to break off the bootless controversy. Public opinion, the sovereign judge, will know how to indicate an equitable solution of this grave problem.

We have affirmed, and we again affirm, our right. Let the Federal Government reflect upon its side if it is expedient to leave to the mercy of each State of the Union, irresponsible to foreign countries, the efficiency of treaties pledging its faith and honor to entire nations.

The present dispatch is addressed to you exclusively, not to the Federal Government.

Your duties henceforth are solely restricted to dealing with current business.

[No. 46.]

*Mr. Blaine to Mr. Porter.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, May 4, 1891.*

PORTER,

*American Minister, Rome:*

A series of statements addressed to the Marquis Imperiali by the Marquis Rudini was telegraphed from Rome yesterday and was published by the Associated Press of the United States to-day. The only part of the Marquis Rudini's communication which this Government desires to notice is the one here quoted, namely :

I have now before me a note addressed to you by Secretary Blaine, April 14. Its perusal produces a most painful impression upon me. I will not stop to lay stress upon the lack of conformity with diplomatic usages displayed in making use, as Mr. Blaine did not hesitate to do, of a portion of a telegram of mine communicated to him in strict confidence, in order to get rid of a question clearly defined in our official documents, which alone possess a diplomatic value.

The telegram of March 24, concerning whose public use the Marquis Rudini complains, is the following, which was quoted in full in my note of April 14 to Marquis Imperiali, chargé of Italy at this capital:

[Telegram.]

*ROME, March 24, 1891.**Italian Minister, Washington:*

Our requests to the Federal Government are very simple. Some Italian subjects, acquitted by the American magistrates, have been murdered in prison while under the immediate protection of the authorities. Our right, therefore, to demand and obtain the punishment of the murderers and an indemnity for the victims is unquestionable. I wish to add that the public opinion in Italy is justly impatient, and if concrete provisions were not at once taken, I should find myself in the painful necessity of showing openly our dissatisfaction by recalling the minister of His Majesty from a country where he is unable to obtain justice.

RUDINI.



# Telegram

Rome March 24 1891

Italian Minister Washington

Our requests to the Federal Government are very simple.

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Our right therefore to demand and obtain the punishment of the murderers, and an indemnity for the victims is unquestionable.

I wish to add that the public opinion in Italy is justly impatient, and if concrete provisions were not at once taken, I should find myself in the painful necessity of showing openly our dissatisfaction by recalling the Minister of His Majesty from a Country where he is unable to obtain justice.

signed = Rudini

The intimation of the Marquis Rudini that the telegram in question was delivered in strict confidence is a total error. As the telegram expressed the demand of the Italian Government, it was impossible that Marquis Rudini could transmit it in strict confidence. As I have already stated, it was communicated to me in person by Baron Fava, written in English in his own handwriting, without a suggestion of privacy, and the telegram itself has not a single mark upon it denoting a confidential character. I have caused a number of copies of the telegram to be forwarded to you to-day in facsimile. The usual mark for italic printing was used by me under four lines, and they appear in the copies. You will use the facsimiles in such manner as will most effectually prove the error into which the Marquis Rudini has fallen.

BLAINE.

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[No. 47.]

*Mr. Adeè to Attorney-General Miller.*

DEPARTMENT OF STATE,  
*Washington, May 18, 1891.*

MY DEAR SIR: We are having arranged for printing the correspondence on the late New Orleans affair, and we would like to include therein the report of the grand jury upon the question of indicting the persons charged with the killing of the prisoners at New Orleans, if the same has been officially brought to the attention of your Department.

ALVEY A. ADEE,  
*Acting Secretary.*

[No. 48.]

*Attorney-General Miller to Mr. Adee.*

DEPARTMENT OF JUSTICE,  
*Washington, May 19, 1891.*

SIR: Inclosed I hand you copy of the report of the grand jury at New Orleans, which was sent to me in this form by the United States attorney. This in response to your note of May 18th requesting the same.

W. H. H. MILLER,  
*Attorney-General.*

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[From the New Orleans Picayune of May 6, 1891.]

*Report of grand jury as to killing in New Orleans parish prison of certain persons charged with the murder of Chief of Police Hennessy.*

GRAND JURY ROOM, *May 5, 1891.*

*To the Honorable Robert H. Marr, Judge of the Criminal District Court of the Parish of Orleans, Section A:*

When this grand jury entered upon its term of service, there was pending in section B, this tribunal, the trial of nine men indicted for participation in the assassination of the late superintendent of police, D. C. Hennessy, on the night of October 15, 1890. The enormity of that crime, executed at the midnight hour, created unusual interest throughout the whole country, while in our own city, vitally concerned in the administration of justice, as deeply affecting her social, political, and material welfare, the sentiment of the populace had crystallized into the concrete form of expression, that justice be rendered through the recognized channels of criminal jurisprudence, that the guilty perpetrators, whoever they were, be tried by an impartial jury of American citizens and meet with a righteous conviction. One fact stood out in awful prominence, above and beyond dispute or question by any man—the fact that a crime of unparalleled atrocity had been committed, evidenced by the five terrible death-dealing weapons, the numerous slugs and bullets fired on their mission of human destruction and found imbedded in the fences and houses at the scene, besides the missiles that struck down the solitary man, who would never have been marked as the victim had he not filled the responsible position of chief of police of the law.

It is not to be wondered that attention should be directed to the trial during the many days of its progress in the selection of jurors, the evidence of witnesses, the arguments of counsel, the charge of the judge, and finally

concentrated on the twelve men, who, by virtue of their solemn oath, sat in awful judgment on their fellow-men. The verdict is now of official record, bearing date March 13, 1891. We can not be mistaken in the assertion that the verdict was startling, amazing, a bitter disappointment, shocking to public opinion, provoking the repeated accusation that some of the jury had been unfaithful to their high office.

We feel that we do not transcend the limits of our duty as the grand inquest to refer to the strong presentation of the case as made by the State through the counsel associated in the prosecution—clear, continuous, complete, convincing in the direct testimony and the material circumstances, it appeared more than sufficient to convince the most unwilling listener with its truth and convey the full measure of its power to those who ventured a doubt.

As the trial neared its termination it was not possible for an observer to fail to realize the comments made on every side touching the action of some members of the jury when the case should be submitted. Charges and speculations abounded, coupled with the well-known connection of certain parties of unenviable notoriety, as shown by their presence daily in the court room and building, arousing the suspicion that the most subtle, dangerous, and powerful influences known to the practice of criminal law were being exercised in behalf of the defense.

These considerations have led us to investigate the subject, embracing all its attendant conditions and incidents. The inquiry has been conducted with the utmost diligence, devoid of fear or partiality, with the single purpose of fastening the guilt to the proper persons and presenting them under indictment to this tribunal.

Each one of the twelve jurors of the trial was summoned and asked to make a statement. None objected, but all rather welcomed the opportunity. It was a notable feature of the sworn statements that they primarily sought to justify their verdict by attacking the line of evidence presented by the State and attaching much weight to the arguments of counsel for defense. It was freely admitted by the jurors that remarks had been made in the jury room as early as the first day, when the testimony was offered, and repeated a number of times afterwards, that the State was making a poor case, and was positively repeated at the close of the State's evidence.

One quarrel at least was reported, arising from the accusation by one juror to another with the expression, "You talk like you were fixed before you came here." They formed no conception of the tension to which the public mind was strung, though impressed with the deep interest as shown each day by the crowd of spectators in the court room.

It was clearly indicated that the necessity for secrecy was urged as the several jurors were selected and joined the company of their fellows. It was impressed upon them at various times, and finally, before the verdict was rendered, brought forward again, with the injunction to destroy every vestige of evidence they had and leave every thought and act behind them. Surely

the urgency of this was most cunningly devised to conceal the peculiar events that transpired in the jury room. Careful observers testify with special reference to the marked inattention of the jury as the witnesses submitted their evidence—a conduct most unbecoming and fraught with the gravest consequences, when the momentous import of the issue is considered. We are led to conclude that the jury undertook to try the case, when it was submitted, by their own estimate of the value of statements made by parties not called as witnesses. With strange unanimity they dwelt upon what they knew by reading and hearsay of certain incidents of the assassination prior to the trial, and made those the bases of the powerful persuasion for giving the accused the benefit of the doubt and concluding the deliberations in their favor.

We must take occasion to say that it was not expected to obtain any evidence of undue influence from the members of the jury, for those who were uncorrupted had nothing to reveal, while the others would but make themselves *particeps criminis*; yet, in their numerous statements, much was obtained having a direct connection with, and supported by, the great volume of testimony elicited during the course of the inquiry.

It is clearly brought out by the evidence of the jurors that, as affecting three of the accused—Politz, Scaffedi, and Monasterio—the jury engaged in the deliberations in their case some 4 or 5 hours, attended with intense excitement, and on repeated ballots the jury's vote stood 6 guilty, 6 not guilty. This is a clearly defined indication of the convictions of the jury as to the three accused. It impresses us deeply, as it must everyone to whom the fact is conveyed, and forces the conclusion that the evidence was sufficient to justify the six jurors who stood resolute and determined for a verdict of guilty, making it well-nigh impossible to reach any other conclusion than a mistrial. These three accused named above were probably the unwilling actors designated by leaders of the conspiracy to execute a villainous part, in which they had neither personal motive nor interest.

Following this investigation it was quickly learned from various sources that talesmen had been approached; every clew offered was taken up; as a rule the talesmen who had been previously marked out were seen when alone or invited away to some secluded and unsuspected place, well designed pretexts guarding the real meaning of the talks, but quickly leading up to the great trial. Talesmen were visited at their homes during the evening or early morning, intercepted while on their way to the courthouse, stopped in the corridor of the court, and the vile work was deliberately carried forward in the court room during the trial. One favorite expression was that "big money might be made by going on the jury and doing right."

There is no possible doubt that such attempts were made by various parties in the service of the defense, entertained by some of the talesmen and scornfully rejected by others. These are facts given on the evidence of the talesmen, who, quickly discerning the true meaning of the men who addressed them, indignantly repelled any attempt to control their line of conduct by

these emissaries. In several instances a rebuff was answered that the talk was a joke, but surely a well-directed joke of deep significance when the leading part is enacted by the counsel of one of the accused participants in the assassination at the time awaiting trial in the parish prison, now under indictment for attempting to bribe a juror.

Another class of the talesmen took special care to deny any knowledge of the vile work or showed remarkable deficiency of memory as to what they had told their friends, causing us to conclude that they were silent from fear, or had been seen and cautioned about incriminating anyone, till their tongues were silenced as with the hand of death. In this connection we can plainly state that a number of the witnesses most emphatically denied having been approached or spoken to about service on the jury, even after telling it to their friends, who had informed us. Yes, these were young men from whom better things were expected. Of such we can say that to conceal, and thereby attempt to condone, a crime is only a step removed from participation in it. Among the talesmen a number of our citizens have nobly come forward from a sense of duty, relating their experiences, furnishing at least some of the missing links in the chain of circumstantial evidence drawn around the organized gang of jury-bribers.

It is not to be questioned that the work was systematically executed after careful preparation, and it had to be done quickly, as the hours were few and time precious. The necessity was imperative for complete lists of the talesmen, but such lists were easily obtained, as in other trials. The grand jury knows that the list of five hundred talesmen in the Hennessy case was in the office of O'Malley and Adams at 11 o'clock Sunday morning, February 22, 1891, though the trial judge issued special orders on Saturday evening that the list was not to be made public or given to counsel of either side until Monday morning. It is not shown by whose hands the list was secured, but enough is known to confirm the past secret and powerful influence of the so-called private detective agency and Counsel Adams to handle the machinery of the court.

The official relations of the jury commissioners to the court in the trial of the criminal cases are so intimate and far reaching in their consequences that the maladministration of their duties has become the fountain source of the successful fixing of jurors in important trials. Great and small pieces of evidence show that the lists of names were tampered with when drawn from the jury wheel and before they reached the jury box in the court.

O'Malley was put in possession of the lists almost immediately after the names were drawn, and before they reached the district attorney's office in due course. Influential friends alone could accomplish these ends, but it was secured in the person of one commissioner, lately removed. It is further shown that in the office of this detective agency is kept a book of names and addresses of jurymen. Out of three hundred names drawn for the February panel, thirty-two were on the list in O'Malley and Adams's office, and later, as the talesmen were drawn, many more names appeared that were on that

private list. At times special lists were brought to the jury commissioners, which, one of them stated, had been prepared elsewhere and, being looked over by the others, went into the jury wheel. Truly, the business of the enterprising detective agency was facilitated when thirty-two names of their selection could be drawn on a panel of three hundred jurors from a wheel containing one thousand names.

We must express regret that any cause should exist for the criticisms directed toward some of the deputy sheriffs employed in the court and at the parish prison. Unreliability seems to be the feature marking their conduct, interrupting the confidence which should clothe every subordinate officer of the law. There were those whose indifference was so manifest, while not detected in any act of infidelity, that suspicion was aroused as to their sympathy with the accused, calculated to embarrass the best-directed efforts of the prosecution. It is a noteworthy point, in this connection, that the indictments against McCrystol and Cooney, being read in the court room in blank, the fact was at once communicated to them through some subordinates of the court. Under a proper condition of things, the utmost secrecy should have been observed. It is further shown that when the arrest was made of those two parties in the office of O'Malley and Adams, the deputy sheriff was asked by O'Malley to say the arrest was made on Carondelet street, and it was so reported to the court.

In searching for the true causes of the criminal acts connected with the impaneling of the jury in the Hennessy case, the sworn statement of Thomas C. Collins is found of great value; and in this we take occasion to declare that Collins was selected especially for the duties to be performed, and for this purpose secured employment in O'Malley and Adams's office, which being done, he was commissioned a special officer by the mayor and paid by the city for this service. The money received by him each week from O'Malley and Adams for services rendered there was handed to the designated person at the city hall. The difficult and dangerous duties assumed by Special Collins while acting in his double capacity were performed with the strictest fidelity, as evidenced by the daily reports in writing of everything seen or heard. Minute in all details, the correctness is assured; in fact, the material features of the statement and reports are so closely connected and interwoven with the facts and circumstances connected with the trial, as confirmed by various other witnesses, that there is not the slightest reason to doubt its accuracy and correctness.

It unfolds the whole story of the iniquitous workings of the archconspirator and his lieutenants, revealing the boundless power of a man to overcome and defy the majesty of the law in criminal and civil proceedings through the operations of an unscrupulous private detective agency.

Truly may it be said that the greater the freedom of action and the removal of restraint under the liberal privileges accorded all men in our country, the bolder become the unlawful practices, the greater the villainy of such a combination of designing and unscrupulous malefactors.

It is well known to the court and will be quickly realized by every thoughtful person that the difficulties of establishing the existence of a conspiracy by adequate proof are almost insurmountable. Such plottings are done in secret places, and their workings often guarded by the advice of counsel well versed in criminal law. Secrecy is an essential element in the successful execution of the designs of a conspiracy. Seldom does it happen that any one of the participants will reveal the villainy either before or after its execution.

In the attempts to influence the talesmen of the Hennessy case no visible act was committed, and we fully realize the difference between a crime committed by words only and what are known as visible acts, which might be witnessed by other persons and tell the tale of crime. In the attempts to influence talesmen, and the successful part of it, whispered words conveyed the insinuation or directly offered the money influence. This reference will serve to show the barriers this inquest has encountered in securing evidence, but sufficient was offered by voluntary and reliable witnesses to justify the indictment of six men, as follows: Thomas McCrystol and John Cooney, with D. C. O'Malley, for attempting to bribe a talesman; and Birnard Glaudi, Charles Granger, and Ferdinand Armant, for attempt by each to bribe three different talesmen. These parties are already shown to have been intimate with O'Malley, often at his office, informed of all doings, and were active workers in the jury-fixing business generally.

We are prompted to express ourselves in deprecation of the hesitation of many of our citizens to be connected with criminal prosecution by seeking relief from jury duty. The intelligent and law-abiding, while engaged in the various enterprises of business and trade, must recognize the obligation without which the guilty too often go unpunished. We urge them to cast off this repugnance, to rise superior to the annoyances attendant upon trials, standing up with the great majority of their fellow-men in the condemnation of the detestable practices brought to a high degree of perfection by their frequency—practices which threaten to deaden and destroy the virtues of the criminal code, to debase the temple of justice for ignoble ends, and degrade the cherished right of "trial by jury" from its high position as the exponent of truth, justice, and right.

Taking into account the volume of testimony admitted by the numerous witnesses before this grand jury, and considering that evidence, not only in the abstract relation to each party, but in its aggregate and collective bearing, we are forced to the conclusion that Dominick C. O'Malley is chargeable with a knowledge of, and participation in, most, if not all, of the unlawful acts in connection with that celebrated case. With his skill, as acquired by years of experience, the most cunningly devised schemes were planned and executed for defeating the legitimate course of justice, the chief aim and object being to place unworthy men upon the jury in the trial of the nine accused. Without his assiduous and corrupting influence, we believe the verdict would have been radically different, and, as a natural consequence, the tragic occurrences of the 14th of March last never would have been recorded.

In the persons of the indicted McCrystol and Cooney there were reliable and trained assistants; the former's connections, with some intermissions, extends back through several years. McCrystol's voluntary statement to the grand jury, partly in the shape of a confession, reveals some points of the trial and causes us to think he would have told more but for the power and influence of O'Malley and associates. We know that such influence has been used in connection with a friend of the nine men lately on trial. These two men were the trusted accomplices and figure throughout the whole affair with a prominence showing the high appreciation in which their services were held. They are the men who approached several talesmen, as before stated, the proposals being mostly refused. In one instance it is shown that O'Malley took money from his safe and gave it to Cooney, who, saying, "McCrystol, you know that fellow better than I do, give him the money." This was to complete a bargain reported made with a talesman, who was shortly afterward accepted as a juror. And here mark the words of one Fanning: "You fellows better get up there now."

We can not fail to refer to the intimate relations existing between a class of ward politicians and the prime mover in all the infamous doings. His office was a place of rendezvous; all were deeply concerned in the appointment of a successor to the late chief, and speculation abounded as to the availability of such a one for their use. It was also important that the agency should be informed of the workings of the city special officers, and O'Malley managed to have a friend appointed. He was assigned to the police, and not the detective force, when he resigned rather than wear a uniform.

We have it most directly, and confirmed by other evidence, that a person holding the position of inspector of weights and measures was often at the agency and stood sentinel at the door several times. This same person was seen coming to the courthouse in company with a talesman the day he was accepted as a juror. There is confirmed evidence that the influence of D. C. O'Malley with the night watchman and inspector at the electric light plant was so great that he could cause them to manipulate the light at the corner of Girod and Basin streets the evening the jury was taken to the scene of the assassination.

We quote the words of officer Collins, showing the directions given by O'Malley at the detective agency, 7 p. m., March 10: "Go to Mike Fanning's, and if he is not at home, to the electric light company, and see Jim Waldron, and tell him I sent you. Tell Waldron, in a manner no one but he will be able to understand, to make that light corner of Girod and Basin burn weak, as it was on the night of October 15; to have it done by 7:30 o'clock." The message was delivered to Waldron, and on the messenger's (Collins) return O'Malley remarked: "That fellow will break the wheel down if necessary." No wonder, then, O'Malley could have access to the electric light works after nightfall, and it doubtless accounts for the alteration found in one of the record books as to the condition of the light at the corner of Basin and Girod streets on the night Hennessy was shot, it being changed

to read 40 minutes additional of dim light to the time originally recorded for the fatal night of October 15, 1890. It is but justice to state that the president and superintendent of the electric light company, as also the general manager, who was in New York, as soon as they were informed that their men were being tampered with, did all and everything in their power to frustrate their plans and preserve the actual record.

From the beginning of our investigation there is continuous evidence brought to our attention of the pernicious combinations of what is known as the D. C. O'Malley Detective Agency. It advertises in the Daily City Item and by a signboard at the office that one of the ablest criminal lawyers at the bar is the attorney for the agency. We know for an absolute fact that the bank account is kept and checks drawn in the name of O'Malley & Adams, the interested parties being D. C. O'Malley and Lionel Adams. Such a combination between a detective and a prominent criminal lawyer is unheard of before in the civilized world, and when we contemplate its possibilities for evil we stand aghast.

The indictment of D. C. O'Malley for perjury was based upon most undoubted evidence. It came originally from Cleveland, Ohio, where, on June 30, 1875, he was convicted of petty larceny and committed to the workhouse of the city of Cleveland, where he served a term expiring June 22, 1875.

He next appears under indictment for perjury in the United States circuit court at New Orleans, where an indictment was based upon the affidavit against one Ed. Schlieder, which O'Malley afterwards contradicted under oath; but he managed to secure an acquittal, owing to the timely disappearance of the affidavit, which he alone was interested in having suppressed. Later he was committed to the parish prison for attempting to levy blackmail upon one George W. Randolph in the proceedings against Randolph for interdiction. The following record is verified by officials, showing his numerous offenses before the criminal court of this parish:

First. No. 9478, July 3, 1884; indicted for attempting to prevent witnesses from appearing and testifying. Nolle prosequed April 26, 1888.

Second. No. 4838, May 9, 1884; indicted for threatening and intimidating a witness. Acquitted May 29, 1884.

Third. No. 2262, June 3, 1879; pleaded guilty to carrying a concealed weapon and sentenced.

Fourth. No. 3679, November 3, 1883; convicted of assault and sentenced.

Fifth. No. 930, April 1, 1881; pleaded guilty to carrying a concealed weapon and sentenced.

Sixth. No. 3678, January 3, 1883; pleaded guilty to carrying a concealed weapon and sentenced.

Seventh. No. 5186; pleaded guilty to carrying a concealed weapon and sentenced.

Eighth. No. 7242, December 4, 1885; convicted of carrying a concealed weapon and sentenced.

Ninth. No. 7241, May 22, 1885; indicted for assault and battery.

So pernicious to the administration of justice were his doings and methods found that while Judge Roman presided in the criminal court he ordered that O'Malley be excluded from the court room. This was during the time his present associate, Lionel Adams, was district attorney, and it is a significant fact that the two indictments against O'Malley for tampering with witnesses were not brought to trial, but were nolle prosequi by the district attorney just prior to the expiration of his term.

The inside view which we were enabled to get of the workings of this agency through City Detective Collins, abundantly corroborated from many sources, convinces us that it had at its command a band of perjurers, blackmailers, suborners, and jury-tamperers, and that has for some time been an element of discord in this community and a stumbling block to the administration of justice which should be eradicated. That its career of crime has not been cut short is a matter of wonder, and is, no doubt, due to the fact that O'Malley and his coworkers have banded together for self-preservation.

The evidence is beyond question that O'Malley went uptown in the Carondelet street car on Saturday, March 14 last, in company with a party, reaching Fourth street shortly before 11 a. m. The party was sent twice to Seligman's house, after which O'Malley in person went to the house, and within a few minutes Seligman was running up Carondelet street and entered a carriage in waiting near the corner of St. Charles and Washington avenues. O'Malley was next seen walking rapidly up St. Charles avenue. Were it possible for any doubt to exist as to the acquaintance and sympathy, or even closer bond of fellowship, existing between these two men, it must be dispelled by the above recital as showing the first thought and effort for Seligman when O'Malley realized the danger expressed in the thundering tones of popular indignation.

The extended range of our researches has developed the existence of the secret organization styled "Mafia." The evidence comes from several sources, fully competent in themselves to attest its truth, while the fact is supported by the long record of blood-curdling crimes, it being almost impossible to discover the perpetrators or secure witnesses. As if to guard against exposure, the dagger or stiletto is selected as the deadly weapon to plunge into the breast or back of the victim and silently do its fearful work. Revenge was their motto. Jealousy and malice speedily found solace in these methods, while the burning vengeance of the vendetta sought satisfaction in the life-blood of an enemy.

The officers of the Mafia and many of its members are now known. Among them are men born in this city of Italian origin, using their power for the basest purposes, be it said to their eternal disgrace. The larger number of the society is composed of Italians or Sicilians, who left their native land, in most instances, under assumed names to avoid conviction and punishment for crimes there committed, and others were escaped convicts and bandits, outlawed in their own land, seeking the city of New Orleans

for the congenial companionship of their own class. These men know the swift retribution of the law in Italy, for hundreds have been shot down at sight by the military in the mountains of Sicily without a second thought. To-day there is recorded in the office of the Italian consul in this city the names of some eleven hundred Italians and Sicilians landed here during several years past, showing the official record of their criminality in Italy and Sicily. Hundreds of them are among us to-day. We doubt not that the Italian Government would rather be rid of them than be charged with their custody and punishment. Such is the well-known character of the Italian colony, as it is called, who are domiciled in this city and vicinity.

It can not be questioned that secret organizations whose teachings are hostile to the fundamental principles of the Government of the United States must be a continual menace to the good order of society and the material welfare of the people. Whether under the name of Mafia, socialist, nationalist, or whatever it may be, whether located in New Orleans, Chicago, or New York, the meetings of their members create and disseminate seditious opinions with a manifest tendency toward overt acts, whose commission partakes of the rankest treason.

We may say that the many societies created and chartered for the laudable purpose of exercising a healthful influence in the various departments of the body politic enjoy a hearty approbation and are productive of good results. But in marked contrast to all those is the "Mafia," whose every thought and act is in opposition to law and order, as contemplated by every nation of the civilized world, and in open defiance of the statutes of this State and nation and the cherished traditions of our people. Law is truly regarded as the embodiment of the wisdom of all ages, and its just execution the safeguard of society, by the punishment of transgressors; its just execution expresses the will of the people in condemnation of crime, but, where this lofty principle is contemned by the practice of assassination for revenge or spite, and concealment under the most binding oaths renders powerless the efforts of the law to reach the chief actors and secure witnesses, it becomes the duty of the people, in the exercise of their sovereign rights, to issue their decree or condemnation. Trial verdict has been rendered; the power of the Mafia is broken; it must be destroyed as an element of danger, a creation of leprous growth in the community.

Taking into account the mass of evidence presented, which is only partially summarized in the foregoing, it becomes our painful duty to make a declaration most severe in its reflection upon the action of some of the jurymen. We are so deeply impressed with the facts of the case that the moral conviction is forced upon us that some of the jurors impaneled to try the accused on the charge of assassination of the late chief of police were subject to a money influence to control their decision.

Further than this, we may say it appears certain that at least three, if not more, of that jury were so unduly and unlawfully controlled. Some of the jurors themselves have testified in more emphatic terms that if it had not

been for the persistent and well-directed efforts of three of the jurymen, most conspicuous from the time that body was impaneled, the verdict would have been materially different from that rendered. This is a sad and terrible commentary from their associates on the jury as against those whose every action was intended to make them the controlling power. It is certain that the special effort of counsel for defense was to select for service on that jury such men as were of the acquaintance and well under the influence of O'Malley and his assistants, notably those talesmen who were on the detective agency's list.

What can be thought when three of the jurors were accepted with only some unimportant questions, or the clerk to "swear" them without a question. This is a proceeding almost unheard of in trials for capital offenses, but it has its meaning as well as the other instances have their significance. One of the jurors, young in years, was, by his own statement, so susceptible to the influence of a dream that he changed his mind between night and morning. Others of the jury plainly stated that their age and inexperience did not qualify them to assume responsibilities of jurymen in that case. Impatience prevailed toward the close, and it is thought by several of the jurors to have hastened the conclusion. Surely a remarkable jury, but fully competent to render the remarkable verdict. It has gone to the people, whose intelligence and virtue enable them to discern between truth and falsehood, to decide between right and wrong.

No question is more intimately connected with the subject-matter of this report than that of immigration. It deeply interests the people of our whole country, by reason of the good results following the landing on our shores of large numbers of meritorious and law-abiding foreigners, or the damage attendant upon the introduction of a vicious and indolent class, who leave their native country for that country's good, seeking an asylum here, soon again to follow in their footsteps of the past. We know that this question more deeply concerns the city of New Orleans than it does any city on the Atlantic seaboard. Its great importance is forcibly expressed in the columns of the public press, till there seems to be an awakening to the danger that threatens the situation and the necessity for a radical reformation. That past immigration laws were sorely deficient or badly administered is indicated by recent legislation of the National Congress, and even these new regulations will not be effective unless strictly enforced by the proper officials charged with such duties. That is the intention at present and for the future, yet, by some design or other, the details of the law may be evaded. For instance, so high an authority as the Italian consul, this city, in his sworn statement before the grand jury, charges that nine Italians were recently landed from the steamship *Entella* whose names were not on the passenger list. This point has been referred by him to the Italian Government, and is being investigated, the steamer being due at Palermo about this time. The consul claims that nine hundred and forty-one persons were landed, while the passenger register showed nine hundred and thirty-two names. If

it is finally shown that these nine Italians were so landed in violation of the laws of both nations, they should be returned whence they came and the steamship *Entella* be heavily fined.

We have stated in our remarks about the Mafia that several hundred Italian criminals are in this city to-day who should not have left their native land without the indorsement of the American consul as to character, and should not have been permitted to land here. The time has passed when this country can be made the dumping ground for the worthless and depraved of every nation. The crisis is reached, and, in the magnitude of the issue, it becomes the duty of the next Congress to quickly enact such vigorous laws that complete protection can be afforded henceforth against these evils.

At the same time we shall plainly say, from our own experience and knowledge, that a large part of the Italian colony in this city is recognized as a worthy class. They do not indulge freely in the use of beer or alcoholic drinks. Fairly industrious, those who remain in the city soon save up a few dollars, more by the strictest frugality than otherwise, and soon are doing something for their own account. As if by common consent, the fruit and oyster business has drifted into the hands of the Italians, the volume of which, in wholesale and retail lines, reaches immense proportions. What more could they wish? What more could they ask? No other country on this earth would extend to any newcomers such privileges. And what do we ask in return? Simply that they, like all others of foreign birth, should conform to existing laws, by which their persons and property are protected; to assimilate in thought and deed with our own people in denouncing the wrong and upholding the right; to rise above the fears and persuasions of secret societies, helping to crush their power, and, above all else, showing an allegiance to the principles of the National and State governments with no doubtful fidelity, realizing that the one flag, as the emblem of freedom, not less the index of a nation's power, is the Stars and Stripes, which must and shall be respected.

It may be thought we have exceeded the bounds that should compass the report of a grand jury, but let it be remembered the subjects embraced are of such extraordinary character in connection with the events of the recent past that, to some extent, we are compelled to refer to them from our position as citizens as well as from our official relations to this honorable court.

In the presentation of the main features given to us as evidence, condensed as far as possible by the selection of the most important portions of the inquiry, we have referred mainly to the evidence bearing upon the trial of the nine accused in section B of this honorable court; but directly connected with all those circumstances are the terrible events transpiring on the 14th day of March last—events which in themselves may be charged as directly traceable to the miscarriage of justice as developed in the verdict rendered on the 13th of March.

We are deeply impressed with the serious charge delivered by Your Honor to this body on the subject, and at no time since have we lost sight of the

necessity for a thorough investigation of all the conditions antecedent to it. We have engaged ourselves most assiduously with the examination of a large number of witnesses, embracing those who were present at the meeting on Canal street, in the vicinity of the parish prison, as well as several hundred of our fellow citizens taken from every rank and class of society. It is shown in the evidence that the gathering on Saturday morning, March 14, embraced several thousand of the first, best, and even the most law-abiding of the citizens of this city, assembled, as is the right of American citizens, to discuss in public meeting questions of grave import.

We find a general sentiment among these witnesses, and also in our intercourse with the people, that the verdict as rendered by the jury was contrary to the law and the evidence and secured mainly through the designing and unscrupulous agents employed for the special purpose of defeating the ends of justice. At that meeting the determination was shown that the people would not submit to the surrender of their rights into the hands of midnight assassins and their powerful allies.

The assassination of the late chief of police shows the culmination of a conspiracy. His death was deemed necessary to prevent the exposure and punishment of criminals whose guilt was being fast established by his diligent pursuit.

The condition of affairs in this community as to a certain class of violators of the law had reached such a stage that the law itself was well-nigh powerless to deal with them, so far reaching was their power and influence in the trial of criminal cases.

Good citizens were profoundly impressed by the repeated and signal failures of justice. The arts of the perjurer and briber seemed to dominate in the courts, paralyzing and rendering powerless the ends of justice. Certainly this was a desperate situation. In the public meeting above referred to—general and spontaneous in its character, as truly indicating an uprising of the masses—we doubt if any power at the command of the authorities would have been sufficient to overcome its intentions. Evidence is before us from official sources that all persons were killed in the attack on the parish prison. In the careful examination as to citizenship of those men, we find that eight of them were, beyond question, American citizens, and another had “declared his intention” in this court, which act carries with it the renunciation of allegiance to his native country.

It is a noteworthy fact, in connection with the uprising, that no injury whatever was done to either person or property beyond this one act, which seemed to have been the object of the assemblage at the parish prison. We have referred to the large number of citizens participating in this demonstration, estimated by judges at from 6,000 to 8,000, regarded as a spontaneous uprising of the people. The magnitude of this affair makes it a difficult task to fix guilt upon any number of the participants; in fact, the act seemed to involve the entire people of the parish and city of New Orleans, so profuse is their sympathy and extended their connection with the affair. In view

of these considerations, the thorough examination of the subject has failed to disclose the necessary facts to justify this grand jury in presenting indictments.

Respectfully submitted,

W. H. CHAFFE,  
*Foreman.*  
 GEO. H. VENNARD.  
 O. CARRIERE.  
 G. A. HOGSETTE, JR.  
 E. GAUCHE.  
 G. C. LAFAYE.  
 JOHN H. JACKSON.  
 PAUL J. CHRISTIAN.  
 EMILE E. HATRY.  
 D. R. GRAHAM.  
 DAVID STUART.  
 T. W. CASTLEMAN.  
 W. L. SAXON.  
 A. S. RANLETT.  
 H. HALLER.  
 W. B. LEONHARD.

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[No. 49.]

[From the New Orleans Picayune of May 15, 1891.]

*Report of the committee of fifty citizens on the existence of secret societies of New Orleans.*

*To the Honorable Mayor and Council of the City of New Orleans :*

On the 18th of October last, under a resolution introduced to the council by the Hon. A. Brittin, which reads as follows: "That His Honor, the mayor, be, and is hereby, requested to appoint a committee of fifty or more citizens, whose duty shall be to thoroughly investigate the matter of the existence of secret societies or bands of oath-bound assassins, which it is openly charged have life in our midst and have culminated in the assassination of the highest executive officer of the police department, and to devise necessary means and the most effectual and speedy measures for the uprooting and total annihilation of such hellborn associations, and also suggest needful remedies to prevent the introduction here of criminals or paupers from Europe"—the Honorable Mayor appointed this committee, known as "The Citizens Committee," and urged that prompt action be taken by it to carry out the purposes of its appointment. The committee was convoked, immediately organized by the election of proper officers, adopted a policy and a line of action, and have pursued same consistently and vigorously. We beg leave herewith to briefly make you our report.

Upon its organization the committee deemed it wise that its deliberations should be secret. Its first step was to resolve that all of its actions and doings should be strictly within the pale of the law, and from the beginning this has been strictly adhered to. The emergency that suggested the appointment of this committee and called it into being as an auxiliary to the constituted legal authorities was, briefly, this:

The police and criminal records of the city of New Orleans during the past 20 years give evidence of scores of murders and assassinations committed in this city where the law has been powerless to bring the perpetrators to justice. At the request of this committee the chief of police has made an examination of his records, and we herewith append a copy of that report,\* showing a number of murders and affrays (some ninety-four), nearly all shrouded in mystery, where the perpetrators have escaped just punishment. As a rule, these crimes have been committed under cover of darkness and surrounded by mystery, and all bear evidence of preconcerted assassinations. As a rule, the victims have been either Italians or Sicilians, and the surrounding circumstances indicate that their deaths were the result of deliberate concerted action. The police and municipal authorities have been powerless to expose and bring the perpetrators of these crimes to justice.

Not only was it impossible to obtain evidence from the bystanders, but nothing could be obtained from the victim himself. There is not a case on record in this city where the dying man did not profess utter ignorance of the identity of his assailant. Whenever the accused was brought to the deathbed of his victim for identification, the result was always the same—the dying man would embrace him and assert that he was one of his best friends, incapable of doing him an injury.

Arrests were made, and, although the State secured, in many instances, the strongest evidence of the guilt of the suspects, the accused invariably escaped through perjury or the medium of the convenient alibi. Whenever an Italian was murdered or wounded, no witness could be found to identify the assassin. He was equally safe whether he did the work in secret or in the presence of any number of his countrymen. All that he had to be careful of was that no man of any other nationality was present. The police always met with the same response—no one could identify the assassin or give a description of him. Time and again the police have arrested the man they were morally certain had committed the crime, and time and again the accused has escaped for want of evidence, only to perish himself by the hands of the dead man's friends, and thus vindicate the judgment of the police in making the arrest.

The people fretted at the frequency of these crimes. As a rule, the assassinations were confined to one race, and they were borne with as long as they were bearable. On the —— day of May last a wagon containing a number of Sicilian laborers returning from their work at the fruit wharves was waylaid on one of the most prominent streets in the city of New Orleans, in

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\* For this report see p. 75.

the glare of the electric lights, and fired into by a number of armed men. Numerous arrests followed, and the men accused of the attempted assassination were brought to trial. All were eventually acquitted. The people smarted under this new failure of the law to protect society from organized lawlessness, and, though they realized the growing danger, this offense was passed by and condoned. On the 15th of October last the chief of police of the city of New Orleans, who was the very embodiment of the law itself, while returning from his office to his residence, was waylaid and shot to death on his own doorstep by a band of midnight assassins. The shots came from the opposite side of the street and directly in front of a shanty occupied by a Sicilian. The last words of the chief of police were: "The Dagoes did it."

A number of guns with which the deed was committed were found in the gutter, where the fleeing assassins had thrown them. They were folding shotguns—villainous weapons—devised and used only for purposes of assassination. A number of Sicilians and Italians were arrested and brought to trial for the murder, and the mayor appointed this committee to act in concert with and aid the authorities in bringing the perpetrators of the foul deed to justice. The committee pledged itself, and was pledged, not to go outside of the law or legal methods in their coöperation with the constituted authorities. They employed the best detective skill, they contributed liberally from their own means, and succeeded in collecting a large amount of money, with which they employed the best legal talent.

By all legitimate methods known to them they secured all the testimony possible bearing upon the case. The testimony against the accused, either as to conspiracy or actual complicity in the murder, was strong—as to some of the accused it was conclusive.

Vast sums of money were raised and expended in behalf of the accused in a legitimate and illegitimate way to free them from just punishment under the law. A tribute was levied, and money in small quantities poured in to swell the fund used to enable them to escape. A lengthy trial was had, but, as in the past, the law was powerless to punish, and the people stood aghast at this new miscarriage of justice. Evidence developed itself that the jury in this case, as in previous ones, had been tampered with. This evidence has been laid before the grand jury and has been made the basis of their report. The result of this trial demonstrated to the people that no one was safe from the mysterious band that had placed itself, and was operating, outside of and regardless of the law. It was only when this fear grew into absolute conviction that the people themselves rose in their might, took the law into their own hands, and then followed the events of the 14th of March.

With the occurrences of that day in the parish prison this committee had no connection, and of the contemplated vengeance of an outraged people they had no knowledge. The acts of that day were the inevitable outcome of the existing conditions detailed above, and followed as the night the day, and have been approved by this community and the entire country.

So careful was this committee to keep strictly within the letter of the law while prosecuting the work that it had been appointed to do, we remind Your Honors that during the trial of the accused for the assassination of the late chief of police public feeling and indignation ran high; and, it coming to the knowledge of this committee that some attempt might be made upon the lives of the prisoners while being transported from the parish prison to the courthouse, the committee resolved upon calling the people together in mass meeting to reassure them that the law was strong enough, and would vindicate this outrage upon its dignity, and give the people that protection of life designed in their enactment. The Italian consul of this city was admitted to the counsels of the body and approved of its course in convoking the mass meeting. The two addresses delivered at that meeting and the resolutions adopted counseled submission to the law, and were models of moderation, and had the effect intended. The people listened and were calmed, and quietly dispersed and waited for the law's vindication through the courts. How the law was vindicated; how the people were paralyzed by the outcome of the trial; how they rose en masse and vindicated the law, are matters familiar to all and have passed into history. The testimony of corruption and the influences brought to bear upon the jury in the Hennessy case during the trial were all well known to this committee. The grand jury had this testimony before it during its recent deliberations, and its findings are known to the world. It is therefore unnecessary, after that masterly document, for this committee to enter into any details as to the evidence that induced that report.

We have been instructed to thoroughly investigate the matter of the existence in our midst of secret, oath-bound societies, with assassination as one of their objects. Our investigations convince us that these societies do exist in the city of New Orleans. We have it on the authority of the different chiefs of police of the city. General Badger and Colonel Boylan, former chiefs of police of this city; Gaster, the present chief of police; Malone, present chief of detectives, connected with the detective force for the past 40 years—all attest its existence; and so did Hennessy, who was credited with a deeper knowledge of this Mafia and its methods than any other detective. Every man who has ever held a high position in police circles and every committing magistrate who has ever sat upon the bench in this city are convinced of its existence.

Ben Onorato, an Italian and once a leading auctioneer in this city, called upon the present mayor during his former term and communicated to him the numerous moneyed demands upon him by the Mafia and threats of bodily harm in case he did not comply. Onorato lived in terror of the Mafia, until recently his reason gave way under the strain, and he is now confined in one of the insane asylums of this city.

Messina, another Italian, having accumulated some means, was repeatedly made to pay tribute to the Mafia, until life became a burden to him, and he died miserably several years ago. Messina refused at one time to comply

with these exactions, and immediately his life was attempted, a lucky accident alone saving him.

These are only two of the very many cases within our knowledge.

Frank Romero, one of the men shot in the parish prison, boasted upon several occasions that he had but to lift his finger to command the services of many men ready to do his bidding, whatever it might be.

That portion of the Italian population identified with these affairs is divided into two factions, the Provenzanos and Matrangas. Leading men from each of these factions have called upon the mayor, communicated to him threats against their lives made by unknown persons, and asked protection against the opposite faction, who, they asserted, composed the Mafia and had condemned them to death.

For years the Mafia has terrorized the Italian population of this city and levied tribute upon those of them who did not belong to the society. When money was desired, a written demand was made for it, and a refusal meant death.

When the brigand Exposito was arrested by Hennessy and carried to New York, the fact was developed that a large number of Sicilian banditti, driven out of Italy by the vigorous measures of the present King and his father, had sought refuge here in New Orleans, where they assumed the disguise of innocent fruit vendors and keepers of fruit stands. Beyond the fact that a number had come to this city, nothing more could be learned. Aliases were as familiar to these people as air, and not a syllable of information could be obtained from their countrymen.

On the 12th day of August, 1890, Hennessy wrote to L. Bertin, the chief of police of Rome, asking him the names, records, and photographs of the members of the band of Exposito, the noted bandit, whom he arrested and carried to New York. His letter stated that he had reason to believe that many of the band were in this city.

On the 1st day of September, 1890, Mr. Bertin replied that he would be pleased to comply with Hennessy's request and would shortly send him the information.

Very soon after the receipt of this letter from Mr. Bertin, Hennessy became aware that the fact of his having written to Mr. Bertin and the subject of his letter were known in this city, though he had mentioned it to no one.

The information desired was never sent by Mr. Bertin. He was murdered before he could send it, and his correspondent, Hennessy, followed after a very short interval of time.

After Hennessy's death and after the arrest of the guilty parties, there was found amongst his effects an anonymous letter, dated July 23, 1890, informing him that his life had been sworn away by the Mafia and naming some of the men afterwards concerned in his murder.

Finally, we have the statement of the present resident Italian consul.

In the New York Tribune of March 18 there appeared a lengthy interview between a representative of that journal and Signor Pasquale Corte,

Italian consul at New Orleans, in which, among other things, the consul said: "This does not exclude the fact that among the number of worthy Italians residing in New Orleans there are among them about one hundred criminals escaped from Italian prisons," etc. This statement was copied and appeared in the public prints of this city, and was brought to the attention of this body, and a committee was appointed, consisting of its chairman and Gen. A. W. Crandell, to call upon the consul and ask that he furnish us with the names and all information in his possession relating to these escaped criminals. The committee was received and explained the object of its call. A lengthy interview followed, in which all parties spoke freely and openly. The committee explained fully that the only object in the appointment of the citizens' committee by the mayor and council and the only purpose of that body was to legally rid the community of criminals and give greater security of life and property to all its citizens of whatever nationality. The consul stated that he was satisfied of this and was ready to coöperate with us to this end, and he would immediately prepare and send us a report containing all the information in his possession. He stated that he was convinced of the existence of the Mafia in this city, and brought out the registration papers of Bagnetto, and pointed out the imprint of a seal, which, he informed us, was the seal of the Mafia. He said he had strong suspicions, which amounted to conviction in his mind, as to who were the leaders of the society in this city, and he furnished the committee with the names. He stated that prior to the Hennessy assassination he had in some way unconsciously incurred the displeasure of a coterie, composed principally of the men who met their death at the parish prison on the 14th of March; that they had invited him to supper, and, although he partook sparingly of oyster soup only, when he returned home he was taken desperately ill, suffering intensely all night, and his symptoms bore all the evidences of poisoning, and he was satisfied that his life had been attempted. The written information promised your committee never came. The consul sent word, first, that he had telegraphed to Washington for authority to give it to us, and afterwards notified the committee that it being "an extrajudicial body," he did not feel warranted in giving us the promised information. During the interview had with the consul your committee called his attention to the published statement in the New York Tribune to the effect that "the mayor had appointed an extrajudicial body, which had held a mass meeting in October last, having in view the same object as that of 'last Saturday' (at Clay statue), but its object was frustrated, owing to his earnest protests and the opportune intervention of Mr. Blaine." We reminded him that he and prominent Italian citizens had called on the committee before the mass meeting was held, and, when the object of the meeting was explained, he approved the pacific course (justified in the sequel), and asked him how he reconciled his published statements with this. His reply was that the statements he had made to the New York Tribune had been made by Corte "as an individual," not Corte "as consul," and that the reporter had greatly exaggerated his statements.

In the resolution of appointment this committee was requested to suggest needful remedies. It only remains for us, therefore, to point out the remedy, if possible. In our opinion the remedy is—

First. The regulation of immigration.

Second. Reform in the criminal laws and administration of criminal justice.

Third. A law recognizing the existence of a bar association and endowing it with full power to try and disbar any attorney whose evil practices render him unworthy of being an officer of court.

The only radical remedy which suggests itself to us is the entire prohibition of immigration from Sicily and lower Italy. It was found necessary to prohibit Chinese immigration, and Congress passed the necessary law. The danger to California from the Chinese was no greater than the danger to this State from the Sicilians and southern Italians. We have had long experience with these people, and that experience has been a sad one; they are undesirable citizens, and there is no reason why they should be permitted to participate in the blessings of a freedom and civilization which they are not only unable to appreciate, but which they refuse to understand or accept.

We further suggest that Congress be petitioned to pass a law requiring every immigrant from a foreign port to produce a certificate from the United States consul certifying that he has investigated his antecedents and considers him a desirable emigrant. Immigrants should be compelled to furnish satisfactory proof to the United States consul of their whole past life and character.

Second. We urgently advise your honorable body to petition the legislature to so amend the jury laws that jurors shall only be compelled to serve for 2 weeks at a time, service during 2 weeks to exempt from further jury duty for 2 years, unless summoned as a talesman; that the jury be paid \$2 per day; that no man under the age of 25 years be qualified as juror; and that no person who has been convicted of any crime or misdemeanor be allowed to sit upon a jury.

The Hennessy trial shows the necessity of fixing such a period of service as will enable all citizens to serve upon a jury without any material detriment to their private interests. If citizens understood that they could only be made to serve for 2 weeks in 2 years, we do not believe that any would refuse to perform jury duty, and think the result would be that the very best juries could be secured without trouble. The large number of men in the city of New Orleans subject to jury duty makes this short term of service perfectly feasible.

The law should also be amended so as to make it an offense not only to bribe a juror, but to approach anyone summoned to do jury duty, either as talesman or as one of the regular panel, with the view of influencing his verdict in any manner.

The number of peremptory challenges allowed the State should be as great as the number allowed the accused.

A constitutional amendment should be proposed allowing a majority verdict in a criminal case, or, at least, allowing nine men to find a verdict, as in civil cases.

The ruling of the judges on the competency of a juror, when examined on his *voir dire*, should be final. They see the jurors upon the witness stand and can better judge whether they are competent or not than the supreme court, acting simply upon the written record, without the advantage of seeing the jurors.

Here, again, the Hennessy trial demonstrates the necessity for the wisdom of this change. Any number of jurors were challenged for cause in that case who were perfectly competent and whom everybody who heard them testify considered to be competent. Their statements were somewhat exaggerated by their desire to escape jury duty, but made little or no impression upon those who heard them, though, when written out, their objections seemed serious.

The law appointing the jury commissioners and providing for the drawing of the jury should be amended so as to vest the power of appointing the jury commissioners in the judges of the criminal district court. This is the law throughout the State of Louisiana, with the exception of the parish of Orleans.

If the power of appointing the jury commissioners was vested in the judges of the criminal district court, they would have some control over the jury commissioners and be responsible for the proper discharge of their duties. As it is at present, they have no control whatsoever over them. The office of jury commissioner should be made a nonpolitical one, and such qualifications required as would secure good men.

The names of all deputy sheriffs appointed by the criminal sheriff should be submitted to the two judges of the criminal district court, and it should be made the duty of the judges to investigate thoroughly the character of the men, so that the responsibility for the appointment of bad men should be upon the court as well as upon the criminal sheriff. The Hennessy trial and the great power which the criminal sheriff and his deputies have over juries make it of the highest importance that only thoroughly tried and honest men should be appointed. The character of no official in the city of New Orleans is as important to the people as the character of these criminal sheriffs. We suggest that before their appointment and the judges confirm them, some public notice should be given, so that if there be any objection the judges may be thoroughly informed before they confirm the appointment.

We suggest that your honorable body petition the legislature to pass a law recognizing the existence of a bar association, endowing it with the power to try, disbar, and revoke the license of any attorney whose evil practices render him unworthy to remain an officer of the court. This, we understand, is the New York law, and recent events in this city have demonstrated the absolute necessity of some protection against unscrupulous attorneys.

We have said nothing with regard to detective agencies, because your honorable body passed an ordinance recently placing these dangerous agencies under the supervision of the authorities. The necessity for the ordinance has been amply demonstrated, but we suggest that the law should provide in some way for the protection of the community against men whose whole lives are devoted to evil, and who seem to have no redeeming traits. There should be some method of driving them out of the community.

We respectfully submit this report and beg to be discharged.

W. C. FLOWER,  
*Chairman.*















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